



BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

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

JOHN BAUTERS – VICE CHAIR
PAULINE RUSSO CUTTER
SCOTT HAGGERTY
KAREN MITCHOFF
BRAD WAGENKNECHT

MONDAY
NOVEMBER 25, 2019
10:45 A.M.

1st FLOOR BOARD ROOM
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 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 § 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 OCTOBER 9, 2019**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of October 9, 2019.

4. **2020 BUDGET PRIORITIES**

A. Abbs/8437

aabbs@baaqmd.gov

The Committee will receive an update on budget initiatives for the upcoming session.

5. **2020 LEGISLATIVE PRIORITIES**

A. Abbs/8437

aabbs@baaqmd.gov

The Committee will receive an update and provide input on Air District legislative priorities for 2020.

6. **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.

7. **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)

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

At the Call of the Committee Chair.

9. **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

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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

EXECUTIVE OFFICE:

MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

NOVEMBER 2019

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source Committee – CANCELLED AND RESCHEDULED TO MONDAY, DECEMBER 16, 2019	Monday	18	9:30 a.m.	1 st Floor Board Room
Board of Directors Nominating Committee	Wednesday	20	9:00 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting	Wednesday	20	9:30 a.m.	1 st Floor Board Room
Board of Directors Climate Protection Committee - CANCELLED	Thursday	21	9:30 a.m.	1 st Floor Board Room
Board of Directors Community & Public Health Committee - CANCELLED	Thursday	21	9:30 a.m.	1 st Floor Board Room
Board of Directors Budget & Finance Committee	Monday	25	9:30 a.m.	1 st Floor Board Room
Board of Directors Legislative Committee	Monday	25	10:45 a.m.	1 st Floor Board Room
Board of Directors Mobile Source Committee - CANCELLED	Thursday	28	9:30 a.m.	1 st Floor Board Room

DECEMBER 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	2	9:30 a.m.	1 st Floor Board Room
Board of Directors Regular Meeting	Wednesday	4	9:30 a.m.	1 st Floor Board Room
Advisory Council Meeting	Monday	9	10:00 a.m.	1 st Floor Board Room
Board of Directors Stationary Source Committee	Monday	16	9:30 a.m.	1 st Floor Board Room
Board of Directors Executive Committee - CANCELLED	Wednesday	18	9:30 a.m.	1 st Floor Board Room
Board of Directors Mobile Source Committee	Wednesday	18	9:30 a.m.	1 st Floor Yerba Buena Room
Board of Directors Budget & Finance Committee - CANCELLED	Wednesday	25	9:30 a.m.	1 st Floor Board Room
Board of Directors Mobile Source Committee – CANCELLED AND RESCHEDULED TO WEDNESDAY, DECEMBER 18, 2019	Thursday	26	9:30 a.m.	1 st Floor Board Room

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 18, 2019

Re: Approval of the Minutes of October 9, 2019

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of October 9, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of October 9, 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 October 9, 2019

AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of October 9, 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, October 9, 2019

1. CALL TO ORDER – ROLL CALL

Newly-appointed Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 9:30 a.m.

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

Absent: Directors Pauline Russo Cutter, Scott Haggerty, Tyrone Jue, Doug Kim, 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 MAY 22, 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 May 22, 2019; and the motion **carried** by the following vote of the Committee:

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

4. RECAP OF THE 2019 LEGISLATIVE YEAR

Alan Abbs, Legislative Officer, reported on the outcome of key legislative proposals in 2019, particularly measures with Air District adopted positions.

NOTED PRESENT: Director Wagenknecht was noted present at 9:32 a.m.

- **Assembly Bill (AB) 1714 (Aguiar-Curry):** This began as a spot bill on state health care budgeting by Senator Michael McGuire earlier in the year but, after being informed by Senator McGuire’s staff that the topic would not change, the bill was amended to seek exemption of wine fermentation tanks from air quality regulations, unbeknownst to the Air District. This bill may be reheard when Legislative Session resumes in January 2020. A Joint Hearing of the Legislative Select Committees on Wine will be held on October 31, 2019, at Lodi City Hall. Two panel discussions will be held – one of which will discuss wine fermentation emissions and related air quality rules under consideration, with one of the panelists from the Santa Barbara County Air Pollution Control District. Discussion: The Committee and staff discussed the Air District’s concern about the volatile organic compounds (VOC) emissions which result from the fermentation process, and AB 1714 now seeks to exempt from air quality regulations.
- **Senate Bill (SB) 44 (Skinner):** Requires the California Air Resources Board (CARB) to update its 2016 Mobile Source Strategy to include a comprehensive strategy for reducing motor vehicle greenhouse gas emissions from the medium- and heavy-duty vehicle sectors by 2030 and 2050. The Committee SUPPORTED this bill, which was passed and signed by the Governor.
- **SB 210 (Leyva):** Requires CARB to implement a pilot program that develops and demonstrates technologies that show potential for readily bringing heavy-duty vehicles into an inspection and maintenance program; requires CARB to develop and implement a Heavy-Duty Vehicle Inspection and Maintenance Program for non-gasoline, heavy-duty, on-road, motor vehicles; creates the Truck Emission Check Fund; and requires CARB to provide mechanisms for out-of-state owners of heavy-duty vehicles to establish and verify compliance prior to entering the state. The Committee SUPPORTED this bill, which was passed and signed by the Governor.

- **AB 40 (Ting):** The Committee SUPPORTED the bill’s original language, which required CARB to develop a strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles by 2040. Assemblymember Ting amended the language to, “... declare it is the policy of the state to place at least 5,000,000 zero-emission vehicles on state roads by 2030 and 10,000,000 zero-emission vehicles on state roads by 2035,” and “require CARB to limit vehicle eligibility for the Clean Vehicle Rebate Project to only those vehicles manufactured by companies that have entered into a specified agreement that has been adopted by the state board, to post that agreement on the state board’s internet website, to remove plug-in hybrid electric vehicles from vehicle eligibility in the Clean Vehicle Rebate Project, to continue to maintain a waiting list for purchasers when moneys for the Clean Vehicle Rebate Project are exhausted, to create a higher rebate dollar level per vehicle for vehicles with zero emissions and a greater driving range, and to continue to limit each zero-emission vehicle purchaser to 2 rebates.” Air District staff will monitor this bill when Legislative Session resumes in January 2020.
- **AB 661 (McCarty):** Requires the Sacramento Metropolitan Air Quality Management District to prepare a wildfire smoke air pollution emergency plan, as an informational source for local agencies and the public during a wildfire smoke air pollution emergency. Additionally, it authorizes air districts to conduct public education, marketing, demonstration, monitoring, research, and evaluation programs or projects, with respect to wildfire smoke impact control measures. This bill was passed and signed by the Governor. Mr. Abbs stated that this bill currently only affects the Sacramento Metropolitan Air Quality Management District, but it may be expanded to other parts of the state, or the entire state, in the future. CARB will survey all California air districts to assess best management practices regarding wildfire smoke response.
- **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. The Committee OPPOSED this bill, which did not pass the California State Assembly Committee on Transportation. Air District staff will monitor the bill when Legislative Session resumes in January 2020.
- **SB 1 (Atkins):** Until January 20, 2025, requires specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species. By imposing new duties on local agencies, this bill would impose a state-mandated local program. Mr. Abbs stated that the Governor vetoed the bill, which would not have been supported by Air District staff (although an OPPOSE position was not officially recommended).
- **SB 69 (Wiener):** Requires CARB, in coordination with affected air districts, to develop and implement a voluntary vessel speed reduction incentive program for the Santa Barbara Channel and San Francisco Bay area regions to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. Mr. Abbs said that this bill would help secure annual funding for air districts to promote and run vessel

speed reduction programs. The bill did not pass the California State Assembly Committee on Appropriations but is eligible to be heard again when Legislative Session resumes in January 2020.

- **SB 216 (Galgiani):** Requires on, or before, December 31, 2020, that CARB will hold a public workshop on the heavy-duty truck exchange and develop a plan to help air districts add a heavy-duty truck exchange as an eligible project under the program. This bill was moved to the Suspense File but is eligible to be heard again when Legislative Session resumes in January 2020.
- **SB 400 (Umberg):** Requires that “mobility option” will also include bike sharing and electric bicycles in CARB’s “Clean Cars 4 All” program. This bill was passed and signed by the Governor.

Public Comments

No requests received.

Committee Comments

See above.

Committee Action

None; receive and file.

5. ASSEMBLY BILL (AB) 836 (WICKS) – WILDFIRE SMOKE CLEAN AIR CENTERS FOR VULNERABLE POPULATIONS INCENTIVE PILOT PROGRAM

Mr. Abbs summarized the following:

- This bill, championed by the Air District, establishes the Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Program, to be administered by CARB. Funding will be provided through a grant program to retrofit ventilation systems to create a network of clean air centers, in order to mitigate the adverse public health impacts due to wildfires and other smoke events.
- The bill was unanimously approved in both houses and signed by the Governor on October 2, 2019.
- The bill received many letters of support.
- Assemblymember Buffy Wicks will be recognized at the December 4, 2019, Air District Board of Directors meeting.

- Moving forward, the California Department of Finance will analyze the bill’s associated costs to assess whether funding should be made a priority. Air districts and elected officials are encouraged to engage with the Governor’s office, the Assembly, and Department of Finance staff.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed why specific organizations did not adopt a “support” position regarding AB 836; environmental justice organizations’ desire for clean air centers to be located in disadvantaged communities with chronic exposure to particulate matter; the difficulty of getting a new bill unanimously passed on the first attempt; and acknowledgement of Air District Compliance and Enforcement staff for assisting Mr. Abbs with championing this bill.

Committee Action

None; receive and file.

6. 2020 LEGISLATIVE PRIORITIES

Mr. Abbs reported the following potential activities in 2020:

Bond ballot measures anticipated in 2020:

- A \$15 billion school construction bond was signed by the Governor to go on the March 2020 ballot. The bond will focus much of its funding on school building modernization, including ventilation systems, which could relate to clean air centers. The Committee and staff discussed whether private schools are included in the bond.
- A proposed split-roll tax initiative could impact the property tax revenue that the Air District currently receives from the nine Bay Area counties. Signatures are still being collected to qualify the measure for the November 2020 ballot.
- Three climate change water bonds being developed for the November 2020 ballot:
 - **SB 45 (Allen)** Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, authorizing the issuance of bonds in the amount of \$4,189,000,000 for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. Identifies funding for hydration centers, clean air centers, and cooling centers in urban areas and would need to be signed by the Governor in May 2020 for the November 2020 ballot.

- **AB 352 (E. Garcia)** Enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, authorizing the issuance of bonds in the amount of \$3,920,000,000 to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program. This bill may be merged with SB 45. Assemblymember Garcia’s staff has initiated a series of stakeholder work groups. Identifies funding for hydration centers, clean air centers, and cooling centers in urban areas and would need to be signed by the Governor in May 2020 for the November 2020 ballot.
- **AB 1298 (Mullin)** Enacts the Climate Resiliency, Fire Risk Reduction, Recycling, Groundwater and Drinking Water Supply, Clean Beaches, and Jobs Infrastructure Bond Act of 2020, authorizing the issuance of bonds in an unspecified amount to finance a climate resiliency, fire risk reduction, recycling, groundwater and drinking water supply, clean beaches, and jobs infrastructure program.
- The Governor’s Budget will be released in January 2020. The Air District and elected officials need to advocate for its priorities with the Governor and Department of Finance.
- AB 617 (Community Health Protection Program) previously received funding for implementation and incentives. As CARB adds new communities to the ten previously approved, air districts anticipate receiving less funding. The Air District will focus on other high-priority communities following West Oakland and Richmond/San Pablo.
- Regarding the Trump Administration’s intent to revoke California’s emissions waiver and, subsequently, federal transportation funding, the Air District is seeking the support of federal legislators for air district initiatives and programs. The Air District has contracted with a lobbying firm regarding federal advocacy but plans to engage in competitive procurement methods in the future. Director Mitchoff suggested that the Air District inform the nine Bay Area counties of its intent to release such a Request for Proposals.
- The Air District has been in touch with Oregon Senator Jeff Merkley, who authored a bill that would establish a national clean air center program. Senator Dianne Feinstein will be supporting this, and Congressional support is being sought after, as well.

Potential Air District-Sponsored bills for 2020:

- Expansion of indirect source (magnet source) authority – The recently (Board) approved West Oakland Community Action Plan has prompted the Air District to seek additional source authority to develop magnet source regulations and regulate mobile sources, expanding the authority to toxics. The Committee and staff discussed whether the Air District is seeking statewide or local authority; and Mr. Abbs’ previous experience with seeking indirect source authority when he was an Air Pollution Control Officer.

- Regarding recent emission concerns from the Stratford School in Fremont, the Air District is pursuing ways to address a current lack of oversight of private and charter school construction, including possible amendments to the California Environmental Quality Act and California Air Pollution Control Laws (Health and Safety Code). The Committee and staff discussed the lack of oversight of private and charter school construction; the suggestion to involve Tony Thurmond, current California Superintendent of Public Instruction; whether the Air District was notified of the Stratford School’s construction; similar situations in Fremont and Pittsburg; and the status of the Air District’s involvement with the Stratford School.
- Board members have previously suggested potential requirements related to new school construction, and major modifications required to improve heating, ventilation, and air conditioning (HVAC) systems, to filter wildfire smoke and other particulates. This would likely require changes to Title 24 building standards, which are updated approximately every five years. Incremental changes may be possible without a legislative effort. The Air District will attend Title 24 stakeholder meetings and propose its idea. **The consensus of the Committee members who were present was to approve this course of action.**
- Due to anticipated power shutoffs during wildfire season, it is anticipated that businesses will use backup generators, some of which will be too small for the Air District to permit. Increases in diesel particulate matter and other emissions could subsequently increase. Those who do not know how to properly handle backup generators could be posing a threat to the community. The Air District seeks to reduce and prevent air quality impacts during power shutoffs. Similar events happened during the Energy Crisis in 2001 and California’s inventory of impacts resulted in the issuance of funds to remediate those impacts.
- Director Mitchoff requested that Air District staff inquire as to whether building code modification is necessary regarding electric vehicle (EV) charging infrastructure requirements. The Committee and staff discussed how the Governor’s Office of Planning and Research issued guidelines on how to streamline permitting for EV chargers, and ways that the Air District could help strengthen those guidelines through possible legislation.

Public Comments

No requests received.

Committee Comments

In addition to the discussion cited above, the Committee and staff discussed whether the Air District will prioritize securing funding for AB 836; and concerns that the Spare the Air programs are not yielding enough behavior change in the public, with the request for implementation of more severe consequences on Spare the Air days (such as higher tolls, the proceeds from which can benefit transit incentives).

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

Monday, November 25, 2019, at 375 Beale Street, San Francisco, CA 94105 at 10:45 a.m.

10. ADJOURNMENT

The meeting adjourned at 10:57 a.m.

Marcy Hirtzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 18, 2019

Re: 2020 Budget Priorities

RECOMMENDED ACTION

The Committee will receive a report on potential activities associated with the 2020 Budget, providing direction as necessary.

DISCUSSION

The Bay Area Air Quality Management District (Air District) will be focusing on several budget related matters for 2020, as follows:

Bond Ballot Measures

The Legislature has already sent a bill to place a \$15 billion, school modernization bond measure on the March 202 ballot. Individual legislators, including Assemblymember Eduardo Garcia (D – Coachella), Assemblymember Kevin Mullin (D – South San Francisco), and Senator Ben Allen (D – Santa Monica) are also currently working on climate/water/wildfire bond measure bills for the fall general election; bills Assembly Bill (AB) 352 (E. Garcia), AB 1298 (Mullin), and Senate Bill (SB) 45 (Allen), respectively. Each of the current versions of the bills are in the \$4-5 billion range, with funding categories in AB 352 and SB 45 having significant overlap, and also identifying wildfire smoke clean air centers for funding. The three bills are in various stages of a stakeholder input process and may eventually be combined into a single bill, or identical Assembly and Senate bills. The Air District is participating in stakeholder discussions as they occur. To make the fall 2020 general election, a bill will need to get to the Governor by late April 2020. If the measure is on the ballot, it will be interesting to see if the education bond influences people's willingness for the state to take on further debt.

State Budget

On November 4, 2019, the Air District submitted a letter to all Bay Area legislators regarding 2020-2021 State Budget Funding. A summary of the Air District's requests is listed below:

AB 617 (C. Garcia; Chapter 136, Statutes of 2017)

We advised on the importance of the Legislature and Governor to identify long-term funding through a continuous appropriation for ongoing implementation and, as communities are added, future expansion of this important program. We also highlighted the fact that we believe incentive funding is the most cost-effective and expeditious way to implement the requirements of AB 617, to bring emission reductions and public health benefits to our most impacted communities, and respectfully requested maintaining the incentive funding for this program.

Other Greenhouse Gas Reduction Fund (GGRF)-Funded Emission Reduction Incentive Programs

The 2019-2020 budget provided funding for several successful and cost-effective statewide emission reduction programs from the GGRF, including the Clean Vehicle Rebate Program (\$238 million); Clean Trucks, Buses & Off-road Freight Equipment (\$182 million); Enhanced Fleet Modernization Program (EFMP), Clean Cars for All, and School Buses (\$65 million); and the FARMER Tractor Replacement Program (\$65 million). Locally, these programs have contributed to our efforts to expand electric vehicle usage, clean local transit fleets, and reduce emissions in the freight sector. As the goal of reducing the air quality impacts in these areas is a multiyear effort, we stated the importance of ensuring that these programs are well funded into the future.

AB 836 (Wicks; Chapter 393, Statutes of 2019)

The Air District is dedicating significant effort to improving wildfire smoke public health response capabilities in the Bay Area Region in the coming years. As part of this initiative, the Air District is working with regional stakeholders to identify public locations that can serve as “clean air centers” during wildfire smoke or other times of high particulate exposure. One of the prime beneficiaries of this program would be public schools, ensuring school children can experience a healthier learning environment. The Air District is proud to take the lead in this effort and requested funding for a statewide incentive program in the amount of \$50 million.

Federal Activities

On October 30, 2019, House of Representatives Bill 4924 (H.R. 4924) was introduced by Congresswoman Anna G. Eshoo (CA-18) with 24 cosponsors, all from California. H.R. 4924 is the House companion to legislation introduced by Senators Jeff Merkley (D-OR) and Ron Wyden (D-OR). The bill would appropriate \$50 million for Fiscal Year Ending 2020, and each fiscal year thereafter, to help state and local governments protect their communities from the public risks of wildfire smoke. To the extent possible, the Air District will be advocating for this funding in future federal budgets.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 4A: Air District Letter to Bay Area Legislators
Attachment 4B: H.R. 4924
Attachment 4C: Press Release: Eshoo, Thompson Introduce Legislation to Address Public Health Effects of Wildfire Smoke



**BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT**

November 4, 2019

Joint Caucus – Bay Area
State Capitol
Sacramento, CA 95814

Subject: 2020-2021 State Budget Funding

ALAMEDA COUNTY

John J. Bauters
Pauline Russo Cutter
Scott Haggerty
Nate Miley

CONTRA COSTA COUNTY

John Gioia
David Hudson
Karen Mitchoff
Mark Ross

MARIN COUNTY

Katie Rice
(Chair)

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Gordon Mar
Tyrone Jue
(SF Mayor's Appointee)

SAN MATEO COUNTY

David J. Canepa
Carole Groom
Doug Kim

SANTA CLARA COUNTY

Margaret Abe-Koga
Cindy Chavez
(Secretary)
Lis Kniss
Rod G. Sinks
(Vice Chair)

SOLANO COUNTY

James Spering
Lori Wilson

SONOMA COUNTY

Teresa Barrett
Shirlee Zane

Jack P. Broadbent
EXECUTIVE OFFICER/APCO

Connect with the
Bay Area Air District:



The Bay Area Air Quality Management District (Bay Area AQMD) and other local air districts play a pivotal role in ensuring the State's air quality goals are met. These goals include attaining the health-protective national and state ambient air quality standards, working closely with the California Air Resources Board to implement the State's climate change programs, and ensuring community health is protected from the effects of air pollution. Our stationary source regulations and mobile source incentive programs, which are built on decades of experience implementing both federal and California Clean Air Act requirements, have reduced air pollutant emissions in the region to historically low levels. Yet, while much progress has been made regionally and throughout the State, substantial work is still necessary because significant portions of the State still do not meet national or state ambient air quality standards. Further, many of California's disadvantaged communities are located within these nonattainment areas and are also impacted by localized air pollutants in their communities, making expedient emissions reductions a critical need if we are to protect human health in all communities.

Therefore, we respectfully request your support for funding in the 2020-2021 State budget for the following programs:

AB 617 Community Air Protection Program Local Air District Implementation Funding

The Bay Area AQMD has played a central role in implementing this ambitious and important new program that will provide significant public health benefits by identifying and reducing air pollution's impacts on communities disproportionately impacted by air pollution. AB 617 (C. Garcia; Chapter 136, Statutes of 2017) was signed into law with the Cap and Trade extension bill AB 398 (E. Garcia; Chapter 135, Statutes of 2017) to ensure our most burdened communities in the State received the health benefits promised by Cap and Trade. The Bay Area AQMD has been working aggressively to make the program a success in two communities, West Oakland and Richmond/San Pablo. If adequate funding is available, we plan early actions in East Oakland, Vallejo, and San Francisco in the next year. San Jose, the Tri-Valley area, and Eastern Contra Costa are also high on our priority list, pending available resources.

AB 617 envisions a long-term focus on air pollution reductions and improved community health, all of which require dedicated equipment and staffing over many years. This is especially true as new communities are identified for action. If the Community Air Protection Programs throughout the State are to be successful in reducing air pollution and protecting public health as the Legislature intends, then adequate ongoing statewide funding supporting the Bay Area AQMD and other air districts' efforts is essential. These communities have long suffered from government neglect and discriminatory policies. Establishing AB 617 and then failing to fund it would be a continuation of that pattern.

Recognizing the significant ongoing air district costs related to implementation of AB 617 mandates, the 2018-2019 and 2019-2020 budgets included \$50 million for local air district implementation costs. The Bay Area AQMD receives approximately \$10 million per year of this funding. While we appreciate the funding, our experience with the implementation of this program over the last two years is showing that statewide implementation costs are significantly higher than \$50 million, and the Bay Area AQMD's costs are significantly higher than \$10 million. In addition, the California Air Resources Board will likely add communities in the AB 617 program in this current fiscal year, which will dilute the effectiveness of the existing funding by spreading it over more communities. Although the AB 617 activities are mandated, and the program is on a fast pace, the uncertainty surrounding funding makes it extremely difficult to hire staff and purchase equipment based on uncertain annual appropriations. We strongly urge the Legislature and Governor to identify long-term funding through a continuous appropriation for ongoing implementation and, as communities are added, future expansion of this important program.

AB 617 Community Air Protection Program Incentive Funding

The 2019-2020 budget provided \$245 million for AB 617 Community Air Protection Program incentives so that the California Air Resources Board and the local air districts can fund early emissions reduction projects that cut both stationary and mobile source emissions of, and exposure to, criteria air pollutants and toxic air contaminant emissions in the communities disproportionately impacted by air pollution. The Bay Area AQMD will receive approximately \$40 million of that funding. Based on our extensive experience in successfully reducing air pollutant emissions via grants and incentives, the Bay Area AQMD believes that incentive funding is the most cost-effective and expeditious way to implement the requirements of AB 617 and bring emission reductions and public health benefits to our most impacted communities. Because transportation and goods movement air pollutant emissions continue to be the largest contributor to poor air quality and adverse human health effects, it is important to continue programs that accelerate the turnover and elimination of older diesel vehicles and diesel-powered equipment. In addition to immediate reductions in diesel exhaust, benefits include a reduction of ozone precursor gases such as oxides of nitrogen, a reduction of PM 2.5, and reductions of greenhouse gases. These are very positive outcomes for air quality, climate change, public health and our quality of life, and we respectfully request maintaining this incentive funding.

Other GGRF-Funded Emission Reduction Incentive Programs

The 2019-2020 budget provided funding for several successful and cost-effective statewide emission reduction programs from the Greenhouse Gas Reduction Fund (GGRF), including the Clean Vehicle Rebate Program (\$238 million); Clean Trucks, Buses & Off-road Freight Equipment (\$182 million); EFMP, Clean Cars for All, and School Buses (\$65 million); and the FARMER Tractor Replacement Program (\$65 million). These programs reduce greenhouse gas, criteria pollutant, and toxic air contaminant emissions from light-duty vehicles, agricultural tractors and harvesting equipment, heavy-duty trucks, school and transit buses, and port equipment. Locally, these programs have contributed to our efforts to expand electric vehicle usage, clean local transit fleets, and reduce emissions in the freight sector. Because the goal of reducing the air quality impacts in these areas is a multiyear effort, it is important to ensure these programs are well funded into the future.

AB 836 (Wicks; Chapter 393, Statutes of 2019) Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program Implementation - \$50 Million

The Bay Area AQMD is dedicating significant effort to improving wildfire smoke public health response capabilities in the Bay Area Region in the coming years. As in many parts of the State, wildfire smoke from several of the catastrophic fires in recent years blanketed the region with smoke for weeks at a time, erasing public health gains made over many years through district programs to reduce emissions from mobile and stationary sources. While the catastrophic nature of the wildfires of the last several years may appear to be an anomaly, many State officials have indicated that events like these are the “new normal” as we deal with the impacts of climate change and past forest policy. Bay Area AQMD’s wildfire response activities have included working with health officers regionally to develop consistent communication tools, identifying Bay Area AQMD rules to further reduce stationary source particulate matter, and streamlining permitting for forest fuel reduction projects.

As part of this suite of initiatives, the Bay Area AQMD is working with regional stakeholders to identify public locations that can serve as “clean air centers” during wildfire smoke or other times of high particulate exposure. Similar to cooling centers used during high heat days in other parts of the State, these clean air centers would provide a healthy space for our vulnerable population during emergency events. While some of these potential locations such as schools, community centers, and libraries may be equipped with high-efficiency filtration to provide a clean indoor environment, some will require filtration system retrofitting and maintenance, or use of portable air filtration units. And, given recent experience with public safety power shutoffs, many will require clean back-up power as well. The Bay Area AQMD sponsored Assembly Bill 836 by Assemblymember Buffy Wicks that creates an incentive program to fund the retrofit of facilities to be used by the public during air quality emergencies. One of the prime beneficiaries of this program would be public schools, so that we can ensure school children can experience a healthier learning environment. The Bay Area AQMD is proud to take the lead in this effort and requests funding for a statewide incentive program in the amount of \$50 million.

The Bay Area AQMD appreciates the opportunity to provide our funding request for the upcoming fiscal year. We are committed to reducing air pollution in California and ensuring that every one of the region's 8 million residents can breathe clean, healthful air. We are also committed to ensuring that the State's most disproportionately affected populations realize emissions reductions as expeditiously as possible. If you should have any questions, please do not hesitate to contact me at (415) 749-5052, or our Legislative Officer, Mr. Alan Abbs at (916) 769-7769.

Respectfully,



Jack P. Broadbent
Executive Officer/Air Pollution Control Officer

Distribution List:

- The Honorable Jim Beall, California State Senate
- The Honorable Anna Caballero, California State Senate
- The Honorable Bill Dodd, California State Senate
- The Honorable Steven Glazer, California State Senate
- The Honorable Jerry Hill, California State Senate
- The Honorable Mike McGuire, California State Senate
- The Honorable William Monning, California State Senate
- The Honorable Nancy Skinner, California State Senate
- The Honorable Bob Wieckowski, California State Senate
- The Honorable Scott Wiener, California State Senate
- The Honorable Cecilia Aguiar-Curry, California State Assembly
- The Honorable Rebecca Bauer-Kahan, California State Assembly
- The Honorable Marc Berman, California State Assembly
- The Honorable Rob Bonta, California State Assembly
- The Honorable David Chiu, California State Assembly
- The Honorable Kansen Chu, California State Assembly
- The Honorable Jim Frazier, California State Assembly
- The Honorable Tim Grayson, California State Assembly
- The Honorable Ash Kalra, California State Assembly
- The Honorable Marc Levine, California State Assembly
- The Honorable Evan Low, California State Assembly
- The Honorable Kevin Mullin, California State Assembly
- The Honorable Bill Quirk, California State Assembly
- The Honorable Robert Rivas, California State Assembly
- The Honorable Mark Stone, California State Assembly
- The Honorable Philip Ting, California State Assembly
- The Honorable Buffy Wicks, California State Assembly
- The Honorable Jim Wood, California State Assembly

116TH CONGRESS
1ST SESSION

H. R. 4924

To authorize the Administrator of the Environmental Protection Agency to conduct research on wildfire smoke, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2019

Ms. ESHOO (for herself, Mr. THOMPSON of California, Mr. HUFFMAN, Mr. GARAMENDI, Ms. MATSUI, Mr. COSTA, Mr. KHANNA, Ms. LOFGREN, Mr. PANETTA, Ms. BROWNLEY of California, Mrs. NAPOLITANO, Mr. TED LIEU of California, Mrs. TORRES of California, Mr. RUIZ, Ms. BARRAGÁN, Ms. PORTER, Mr. CORREA, Mr. ROUDA, Mr. LEVIN of California, Mr. PETERS, Ms. SPEIER, and Mr. LOWENTHAL) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Administrator of the Environmental Protection Agency to conduct research on wildfire smoke, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Smoke Planning and
5 Research Act of 2019”.

1 **SEC. 2. RESEARCH ON WILDFIRE SMOKE.**

2 (a) **CENTERS OF EXCELLENCE.**—

3 (1) **IN GENERAL.**—Not later than 180 days
4 after the date of enactment of this Act, the Adminis-
5 trator of the Environmental Protection Agency (re-
6 ferred to in this section as the “Administrator”)
7 shall establish at institutions of higher education 4
8 centers, each of which shall be known as a “Center
9 of Excellence for Wildfire Smoke”, to carry out re-
10 search relating to—

11 (A) the effects on public health of smoke
12 emissions from wildland fires; and

13 (B) means by which communities can bet-
14 ter respond to the impacts of emissions from
15 wildland fires.

16 (2) **AUTHORIZATION OF APPROPRIATIONS.**—

17 There is authorized to be appropriated to the Ad-
18 ministrator to carry out this subsection \$10,000,000
19 for fiscal year 2020 and each fiscal year thereafter.

20 (b) **RESEARCH.**—

21 (1) **IN GENERAL.**—Not later than 180 days
22 after the date of enactment of this Act, the Adminis-
23 trator shall carry out research—

24 (A) to study the health effects of smoke
25 emissions from wildland fires;

1 (B) to develop and disseminate personal
2 and community-based interventions to reduce
3 exposure to and adverse health effects of smoke
4 emissions from wildland fires;

5 (C) to increase the quality of smoke moni-
6 toring and prediction tools and techniques; and

7 (D) to develop implementation and com-
8 munication strategies.

9 (2) **AUTHORIZATION OF APPROPRIATIONS.—**

10 There is authorized to be appropriated to the Ad-
11 ministrator to carry out this subsection \$20,000,000
12 for fiscal year 2020 and each fiscal year thereafter.

13 **SEC. 3. COMMUNITY SMOKE PLANNING.**

14 (a) **IN GENERAL.—**Not later than 180 days after the
15 date of enactment of this Act, the Administrator shall es-
16 tablish a competitive grant program to assist eligible enti-
17 ties described in subsection (b) in developing and imple-
18 menting collaborative community plans for mitigating the
19 impacts of smoke emissions from wildland fires.

20 (b) **ELIGIBLE ENTITIES.—**An entity that is eligible
21 to submit an application for a grant under subsection (a)
22 is—

23 (1) a State;

1 (2) a unit of local government (including any
2 special district, such as an air quality management
3 district or a school district); or

4 (3) an Indian Tribe.

5 (c) APPLICATIONS.—To be eligible to receive a grant
6 under subsection (a), an eligible entity described in sub-
7 section (b) shall submit to the Administrator an applica-
8 tion at such time, in such manner, and containing such
9 information as the Administrator may require.

10 (d) TECHNICAL ASSISTANCE.—The Administrator
11 may use amounts made available to carry out this section
12 to provide to eligible entities described in subsection (b)
13 technical assistance in—

14 (1) submitting grant applications under sub-
15 section (e); or

16 (2) carrying out projects using a grant under
17 this section.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Administrator to
20 carry out this section \$50,000,000 for fiscal year 2020
21 and each fiscal year thereafter.

○



Congresswoman Anna G. Eshoo
California's 18th Congressional District

News

Eshoo, Thompson Introduce Legislation to Address Public Health Effects of Wildfire Smoke

October 30th, 2019

WASHINGTON, D.C.—Today, Congresswoman Anna G. Eshoo (CA-18) and Congressman Mike Thompson (CA-05) introduced the *Smoke Planning and Research Act* to help state and local governments protect their communities from the public risks of wildfire smoke. The bill is the House companion to legislation introduced by Senators Jeff Merkley (D-OR) and Ron Wyden (D-OR).

“As fires rage across California, wildfire smoke has become a significant public health risk for communities throughout Northern California and the West Coast,” **Rep. Eshoo said**. “Poor air quality could remain a persistent concern in the Bay Area, and our legislation provides local governments with critical funding to mitigate the risks to public health. The communities devastated by the destructive wildfires deserve federal resources to rebuild and better respond to future natural disasters.”

“Our entire region has been hit with wildfires every year for the last five years and we know all too well the long lasting impacts smoke can have on our communities,” **Rep. Thompson said**. “That’s why I am proud to join with Representative Eshoo to introduce the *Smoke Planning and Research Act* to help researchers and experts better understand the effects of wildfire smoke on our health and to establish Federal grants to help local, state, and tribal governments better mitigate long term smoke damage. This is a smart and effective tool to have in our toolbox as we continue working to help our communities rebuild and recover.”

Background

The *Smoke Planning and Research Act* establishes four Centers of Excellence at colleges or universities to research the risks communities face due to wildfire smoke. It also directs the EPA to study this issue and provide grants to states, tribes, and local governments to plan and respond to wildfire smoke. These efforts can include creating shelters for at-risk populations and retrofitting schools with air filters so students can safely attend school. The *Smoke Planning and Research Act* is endorsed by: American Lung Society, American Thoracic Society, the Bay Area Air Quality Management District, and South Coast Air Quality Management District.

Reps. Eshoo and Thompson are strong advocates for advancing solutions to address the threats posed by wildfires in California. In July, Congresswoman Eshoo introduced and Congressman Thompson cosponsored the *WIRED Act*, legislation to bolster wireless networks during natural disasters.

###

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Margaret Abe-Koga and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 18, 2019

Re: 2020 Legislative Priorities

RECOMMENDED ACTION

The Committee will receive a report on potential legislative activities in 2020, providing direction as necessary.

DISCUSSION**2020 Legislative Calendar**

Staff will review the 2020 Legislative Calendar and important milestones during the year.

Potential Air District-Sponsored Bills

Expansion of Indirect Source or Magnet Source Authority – The West Oakland Emissions Reduction Plan has identified this as a task for the Air District to explore. We believe current authority provided in the Health and Safety Code limits the Air District’s ability to develop magnet source regulations, due to its linkage to criteria pollutants and state ambient air quality standards, the passage of Proposition 26 requiring a supermajority vote to pass new fees and taxes, and air districts’ limitations on regulating mobile sources. A previous legislative effort by the California Air Pollution Control Officers Association (CAPCOA) in 2005 (Assembly Bill (AB) 1101 Oropeza) to include air toxics under magnet source authority was unsuccessful. In response, we have drafted a proposal that would be a much simpler change to current law. The attached idea would expand current statewide indirect source authority in Health and Safety Section 40716 (HSC 40716) to include toxic air contaminants, and to also specifically grant air districts authority to request data from indirect sources in order to calculate health risk assessments. Like existing indirect source authority in HSC 40716, an air district would have to undertake a local rulemaking process in order to exercise the new authority and define how the authority would be used. At the Committee meeting, staff can provide an update on the status of the proposal, and potential legislators to carry the bill.

Private School Requirements for Air Quality Review Under the California Environmental Quality Act (CEQA) – In consideration of issues associated with construction of the Stratford School, staff has looked at the underlying requirements related to school construction. Overall, oversight of public school construction is very robust at the state and local level, but is silent in

addressing construction of private schools, as shown in the attached section of Title 14 of the California Code of Regulations, and the attached Section 17213 of the Education Code. Of note, this is a requirement placed on “school districts” during the environmental review process, and not on individual schools. Were the Air District to move forward on potential legislation, the bill language would need to modify the Title 14 CEQA air quality requirement to include private schools, as well as the parallel Education Code requirement.

Potential Non-Air District bills

Responses to Legislation Involving the Composition of the Board – There may be legislative proposals that could affect the composition of this Air District Board of Directors (Board). In past years, the Board has opposed any legislation regarding Board composition that did not originate with the Board but was instead proposed by others. Ultimately, in 2019, no such proposals were submitted as bills. The passage of AB 423 (Gloria; Chapter 744, Statutes of 2019), however, revised the composition of the San Diego County Air Pollution Control District Board of Directors, and led to a similar effort related to other air districts. Staff suggests the Board consider retaining its previous position.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None at this time.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 5A: 2020 Tentative Legislative Calendar
Attachment 5B: Draft Proposed Changes to Health and Safety Code Section 40716
Attachment 5C: California Code of Regulations, Title 14, Section 15186
Attachment 5D: California Education Code, Section 17213

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-18-19

DEADLINES

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 6** Legislature reconvenes (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 17** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the odd-numbered year (J.R. 61(b)(1)).
- Jan. 20** Martin Luther King, Jr. Day.
- Jan. 24** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year. (J.R. 61(b)(2)). Last day to submit **bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to pass bills introduced in that house in the odd-numbered year (J.R. 61(b)(3)) (Art. IV, Sec. 10(c)).

JANUARY							
	S	M	T	W	TH	F	S
				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
Wk. 3	16	17	18	19	20	21	22
Wk. 4	23	24	25	26	27	28	29

MARCH							
	S	M	T	W	TH	F	S
Wk. 1	1	2	3	4	5	6	7
Wk. 2	8	9	10	11	12	13	14
Wk. 3	15	16	17	18	19	20	21
Wk. 4	22	23	24	25	26	27	28
Wk. 1	29	30	31				

APRIL							
	S	M	T	W	TH	F	S
Wk. 1				1	2	3	4
Spring Recess	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

MAY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Wk. 1	3	4	5	6	7	8	9
Wk. 2	10	11	12	13	14	15	16
Wk. 3	17	18	19	20	21	22	23
No Hrgs.	24	25	26	27	28	29	30
Wk. 4	31						

- Feb. 17** Presidents' Day.
- Feb. 21** Last day for bills to be **introduced** (J.R. 61(b)(4), J.R. 54(a)).

Mar. 27 Cesar Chavez Day observed.

- Apr. 2** **Spring Recess** begins upon adjournment (J.R. 51(b)(1)).
- Apr. 13** Legislature reconvenes from Spring Recess (J.R. 51(b)(1)).
- Apr. 24** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(b)(5)).
- May 1** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 8** Last day for **policy committees** to meet prior to June 1 (J.R. 61(b)(7)).
- May 15** Last day for **fiscal committees** to hear and report to the **floor** bills introduced in their house (J.R. 61 (b)(8)). Last day for **fiscal committees** to meet prior to June 1 (J.R. 61 (b)(9)).
- May 25** Memorial Day.
- May 26-29** **Floor session only.** No committee may meet for any purpose except for Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(10)).
- May 29** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).

*Holiday schedule subject to final approval by Rules Committee.

2020 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 10-18-19

JUNE							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
Wk. 4	28	29	30				

June 1 Committee meetings may resume (J.R. 61(b)(12)).

June 15 Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)).

June 25 Last day for a legislative measure to qualify for the Nov. 3 General Election ballot (Elections Code Sec. 9040).

June 26 Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Summer Recess	5	6	7	8	9	10	11
Summer Recess	12	13	14	15	16	17	18
Summer Recess	19	20	21	22	23	24	25
Summer Recess	26	27	28	29	30	31	

July 2 Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)).
Summer Recess begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).

July 3 Independence Day observed.

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess							1
Wk. 1	2	3	4	5	6	7	8
Wk. 2	9	10	11	12	13	14	15
No Hrgs.	16	17	18	19	20	21	22
No Hrgs.	23	24	25	26	27	28	29
No Hrgs.	30	31					

Aug. 3 Legislature reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 14 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).

Aug. 17 – 31 Floor session only. No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(16)).

Aug. 21 Last day to **amend** bills on the floor (J.R. 61(b)(17)).

Aug. 31 Last day for each house to pass bills (Art. IV, Sec 10(c), J.R. 61(b)(18)).
Final Recess begins upon adjournment (J.R. 51(b)(3)).

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2020

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Oct. 1 Bills enacted on or before this date take effect January 1, 2021. (Art. IV, Sec. 8(c)).

Nov. 3 General Election.

Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).

Dec. 7 2021-22 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec. 3(a)).

2021

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

*Holiday schedule subject to final approval by Rules Committee.

Draft Proposed Changes to Health and Safety Code Section 40716

Health and Safety Code Section 40716.

(a) In carrying out its responsibilities pursuant to this division with respect to the attainment of state ambient air quality standards or reduction of health risks from toxic air contaminants and other air pollutants, a district may adopt and implement regulations to accomplish ~~both~~ any of the following:

(1) Reduce or mitigate emissions from new and existing indirect and areawide sources of air ~~pollution-pollutants~~.

(2) Encourage or require the use of measures which reduce the number or length of vehicle trips.

(3) Require data regarding air pollutant emissions from mobile sources associated with new and existing indirect and areawide sources located within the district's jurisdiction, to enable the calculation of health risks from toxic air contaminants and impacts from other air pollutants.

(b) Nothing in this section constitutes an infringement on the existing authority of counties and cities to plan or control land use, and nothing in this section provides or transfers new authority over such land use to a district.

California Code of Regulations
Title 14, Division 6, Chapter 3, Article 12

2019 CEQA Guidelines (Pages 231-233)

[http://resources.ca.gov/ceqa/docs/2019 CEQA Statutes and Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2019_CEQA_Statutes_and_Guidelines.pdf)

15186. SCHOOL FACILITIES

- (a) CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a negative declaration or EIR, and that the lead agency will consult with other agencies in this regard.
- (b) Before certifying an EIR or adopting a negative declaration for a project located within one-fourth mile of a school that involves the construction or alteration of a facility that might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances in a quantity equal to or greater than the state threshold quantity specified in subdivision (j) of Section 25532 of the Health and Safety code, that may impose a health or safety hazard to persons who would attend or would be employed at the school, the lead agency must do both of the following:
 - (1) Consult with the affected school district or districts regarding the potential impact of the project on the school; and
 - (2) Notify the affected school district or districts of the project, in writing, not less than 30 days prior to approval or certification of the negative declaration or EIR.
- (c) **When the project involves the purchase of a school site or the construction of a secondary or elementary school by a school district, the negative declaration or EIR prepared for the project shall not be adopted or certified unless:**
 - (1) The negative declaration, mitigated negative declaration, or EIR contains sufficient information to determine whether the property is:
 - (A) The site of a current or former hazardous waste or solid waste disposal facility and, if so, whether wastes have been removed.
 - (B) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.
 - (C) The site of one or more buried or above ground pipelines which carry hazardous substances, acutely hazardous materials, or hazardous wastes, as defined in Division 20 of the Health and Safety Code. This does not include a natural gas pipeline used only to supply the school or neighborhood.
 - (D) Within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.
 - (2) The lead agency has notified in writing and **consulted with** the county or city administering agency (as designated pursuant to Section 25502 of the Health and Safety Code) **and with any air pollution control district or air quality management district having jurisdiction**, to identify facilities within one-fourth mile of the proposed school site which might reasonably be anticipated to emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste. The notice shall include a list of the school sites for which information is sought. Each agency or district receiving notice shall provide the requested information and provide a written response to the lead agency within 30 days of receiving the notification. If any such agency or district fails to respond within that time, the negative declaration or EIR shall be conclusively presumed to comply with this section as to the area of responsibility of that agency.
 - (3) The school district makes, on the basis of substantial evidence, one of the following written findings:

(A) Consultation identified none of the facilities specified in paragraph (2).

(B) The facilities specified in paragraph (2) exist, but one of the following conditions applies:

1. The health risks from the facilities do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school.

2. Corrective measures required under an existing order by another agency having jurisdiction over the facilities will, before the school is occupied, mitigate all chronic or accidental hazardous air emissions to levels that do not constitute any actual or potential public health danger to persons who would attend or be employed at the proposed school. When the school district board makes such a finding, it shall also make a subsequent finding, prior to occupancy of the school, that the emissions have been so mitigated.

3. For a school site with boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the school district determines, through a health risk assessment pursuant to subdivision (b)(2) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(C) The facilities or other pollution sources specified in subsection (c)(2) exist, but conditions in subdivisions (c)(3)(B)(1), (2) or (3) cannot be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213 of the Education Code. If the school district makes this finding, the school board shall prepare an EIR and adopt a statement of overriding considerations. This finding shall be in addition to any findings which may be required pursuant to Sections 15074, 15091 or 15093.

(d) When the lead agency has carried out the consultation required by paragraph (2) of subdivision (b), the negative declaration or EIR shall be conclusively presumed to comply with this section, notwithstanding any failure of the consultation to identify an existing facility.

(e) The following definitions shall apply for the purposes of this section:

(1) "Acutely hazardous material," is as defined in 22 C.C.R. § 66260.10.

(2) "Administering agency," is as defined in Section 25501 of the Health and Safety Code.

(3) "Extremely hazardous substance," is as defined in subdivision (g)(2)(B) of Section 25532 of the Health and Safety Code and listed in Section 2770.5, Table 3, of Title 19 of the California Code of Regulations.

(4) "Facilities" means any source with a potential to use, generate, emit or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the California Air Resources Board.

(5) "Freeway or other busy traffic corridors" means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area, as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

(6) "Handle" means to use, generate, process, produce, package, treat, store, emit, discharge, or dispose of a hazardous material in any fashion.

(7) "Hazardous air emissions," is as defined in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(8) "Hazardous substance," is as defined in Section 25316 of the Health and Safety Code.

(9) "Hazardous waste," is as defined in Section 25117 of the Health and Safety Code.

(10) "Hazardous waste disposal site," is as defined in Section 25114 of the Health and Safety Code.



State of California

EDUCATION CODE

Section 17213

17213. The governing board of a school district may not approve a project involving the acquisition of a schoolsite by a school district, unless all of the following occur:

(a) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, determines that the property purchased or to be built upon is not any of the following:

(1) The site of a current or former hazardous waste disposal site or solid waste disposal site, unless if the site was a former solid waste disposal site, the governing board of the school district concludes that the wastes have been removed.

(2) A hazardous substance release site identified by the Department of Toxic Substances Control in a current list adopted pursuant to Section 25356 of the Health and Safety Code for removal or remedial action pursuant to Chapter 6.8 (commencing with Section 25300) of Division 20 of the Health and Safety Code.

(3) A site that contains one or more pipelines, situated underground or aboveground, that carries hazardous substances, extremely hazardous substances, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood.

(b) The school district, as the lead agency, as defined in Section 21067 of the Public Resources Code, in preparing the environmental impact report or negative declaration has consulted with the administering agency in which the proposed schoolsite is located, pursuant to Section 2735.3 of Title 19 of the California Code of Regulations, and with any air pollution control district or air quality management district having jurisdiction in the area, to identify both permitted and nonpermitted facilities within that district's authority, including, but not limited to, freeways and other busy traffic corridors, large agricultural operations, and railyards, within one-fourth of a mile of the proposed schoolsite, that might reasonably be anticipated to emit hazardous air emissions, or to handle hazardous or extremely hazardous materials, substances, or waste. The school district, as the lead agency, shall include a list of the locations for which information is sought.

(c) The governing board of the school district makes one of the following written findings:

(1) Consultation identified none of the facilities or significant pollution sources specified in subdivision (b).

(2) The facilities or other pollution sources specified in subdivision (b) exist, but one of the following conditions applies:

(A) The health risks from the facilities or other pollution sources do not and will not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the school.

(B) The governing board finds that corrective measures required under an existing order by another governmental entity that has jurisdiction over the facilities or other pollution sources will, before the school is occupied, result in the mitigation of all chronic or accidental hazardous air emissions to levels that do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. If the governing board makes this finding, the governing board shall also make a subsequent finding, prior to the occupancy of the school, that the emissions have been mitigated to these levels.

(C) For a schoolsite with a boundary that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor, the governing board of the school district determines, through analysis pursuant to paragraph (2) of subdivision (b) of Section 44360 of the Health and Safety Code, based on appropriate air dispersion modeling, and after considering any potential mitigation measures, that the air quality at the proposed site is such that neither short-term nor long-term exposure poses significant health risks to pupils.

(D) The governing board finds that neither of the conditions set forth in subparagraph (B) or (C) can be met, and the school district is unable to locate an alternative site that is suitable due to a severe shortage of sites that meet the requirements in subdivision (a) of Section 17213. If the governing board makes this finding, the governing board shall adopt a statement of Overriding Considerations pursuant to Section 15093 of Title 14 of the California Code of Regulations.

(d) As used in this section:

(1) "Hazardous air emissions" means emissions into the ambient air of air contaminants that have been identified as a toxic air contaminant by the State Air Resources Board or by the air pollution control officer for the jurisdiction in which the project is located. As determined by the air pollution control officer, hazardous air emissions also means emissions into the ambient air from any substance identified in subdivisions (a) to (f), inclusive, of Section 44321 of the Health and Safety Code.

(2) "Hazardous substance" means any substance defined in Section 25316 of the Health and Safety Code.

(3) "Extremely hazardous substances" means any material defined pursuant to paragraph (2) of subdivision (g) of Section 25532 of the Health and Safety Code.

(4) "Hazardous waste" means any waste defined in Section 25117 of the Health and Safety Code.

(5) "Hazardous waste disposal site" means any site defined in Section 25114 of the Health and Safety Code.

(6) "Administering agency" means any agency designated pursuant to Section 25502 of the Health and Safety Code.

(7) "Handle" means handle as defined in Article 1 (commencing with Section 25500) of Chapter 6.95 of Division 20 of the Health and Safety Code.

(8) "Facilities" means any source with a potential to use, generate, emit or discharge hazardous air pollutants, including, but not limited to, pollutants that meet the definition of a hazardous substance, and whose process or operation is identified as an emission source pursuant to the most recent list of source categories published by the State Air Resources Board.

(9) "Freeway or other busy traffic corridors" means those roadways that, on an average day, have traffic in excess of 50,000 vehicles in a rural area as defined in Section 50101 of the Health and Safety Code, and 100,000 vehicles in an urban area, as defined in Section 50104.7 of the Health and Safety Code.

(Amended by Stats. 2007, Ch. 130, Sec. 54. Effective January 1, 2008.)