

Bay Area Air Quality Management District  
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San Francisco, California 94105  
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## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, February 28, 2019

### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Doug Kim, called the meeting to order at 9:37 a.m. Chair Kim announced that the Committee will meet monthly through May 2019, and in the fall as well.

Present: Chairperson Doug Kim; Vice Chairperson Margaret Abe-Koga; and Directors David Canepa, Pauline Russo Cutter, Scott Haggerty, Tyrone Jue, Karen Mitchoff, and Brad Wagenknecht.

Absent: Directors John Bauters, John Gioia, and Jim Spring.

Also Present: None.

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

No requests submitted.

### **3. APPROVAL OF THE MINUTES OF JANUARY 14, 2019**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Wagenknecht made a motion, seconded by Director Mitchoff, to **approve** the minutes of January 14, 2019; and the motion **carried** by the following vote of the Committee:

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

#### 4. CONSIDERATION OF NEW BILLS

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

- **Assembly Bill (AB) 40 (Ting):** Requires the California Air Resources Board (CARB) to develop a strategy to ensure all new motor vehicles and light-duty trucks are zero-emission by 2040. Mr. Abbs explained that staff’s previous recommendation had been to refrain from adopting a position until staff met with the bill’s authors to emphasize the importance of including air districts as stakeholders. He said that staff’s current recommendation is to *Support If Amended*, if amendments that are in alignment with the Air District’s objectives are written.
- **AB 210 (Voepel):** Exempts motor vehicles manufactured prior to 1983 from smog check requirements. The Committee and staff discussed the motive for this bill, and Mr. Abbs said that staff recommends an *Oppose* position.
- **Senate Bill (SB) 210 (Leyva):** Creates a Heavy-Duty Vehicle Inspection & Maintenance Program and a “smog check” for non-gasoline vehicles in excess of 14,000 lbs. gross vehicle weight. Mr. Abbs explained that staff’s previous recommendation had been to refrain from adopting a position until staff met with the bill’s authors, and staff currently recommends a *Support* position.
- **AB 315 (C. Garcia):** Spot bill requiring CARB to require that stationary sources verify or certify the accuracy of their annual emissions reports by a 3rd-party verifier or certifier that is accredited by CARB.
- **AB 352 (E. Garcia):** Allows applicants of Greenhouse Gas Reduction Fund grant programs intended to improve air quality to include daytime population numbers in grant applications (Transformative Climate Communities Program.)
- **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 whether this bill will affect other air districts in California; and a request was made for staff to emphasize to the Assemblymember the Air District’s desire to remain unaffected.
- **AB 661 (McCarty):** Spot bill that changes provisions pertaining to Best Available Control Technology and lowest-achievable emission rate requirements for air pollution

from non-vehicular sources. The Committee and staff discussed the fact that the bill's author is awaiting additional information from the Sacramento Metropolitan Air Quality Management District; whether air districts may combine their efforts surrounding this issue; and staff's plan to monitor this bill.

- **AB 1038 (Muratsuchi):** Authorizes air districts to impose charges equal to the costs they expend in contracting with third parties to review the accuracy of scientific or engineering information provided by regulated facilities at the air districts' request. Staff will seek clarification and report back to the Committee.
- **AB 1124 (Maienschien):** Requires, by June 13, 2019, employers to make respirators available to outdoor workers on any day they could be exposed to harmful levels of smoke from wildfires, or burning structures due to a wildfire, while working. The Committee and staff discussed liability and sensor concerns; shared respirators; and staff's plan to have further discussions with the bill's author.
- **AB 1406 (O'Donnell):** Spot bill that changes the provision authorizing CARB to offer assistance to local air quality management or air pollution control districts.
- **AB 1418 (Chiu):** Spot bill that changes the law establishing CARB's 14 voting Governing Board members and vests CARB with regulatory jurisdiction over air quality issues.
- **AB 1430 (Garcia):** Requires CARB, among other agencies, provide an assessment of options for redefining the term "cost-effective" to the Legislature for the purposes of prioritizing public investment opportunities. Staff will propose to CARB the inclusion of greenhouse gasses within the Carl Moyer Program.
- **AB 1589 (Salas):** Spot bill that changes the Carl Moyer Memorial Air Quality Standards Attainment Program.
- **AB 1744 (Salas):** Requires CARB to prioritize the retrofit or replacement of the most polluting and oldest school buses that operate in air districts that are designated federal extreme nonattainment.
- **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. Staff has requested that the author include cooling and clean air centers in the bill's language. The Committee and staff discussed the potential revenue these bonds may generate; whether this bill has a specific earmark; and whether school district bonds may serve as local matching funds.
- **SB 216 (Galgiani):** Adds a used heavy-duty truck exchange to the Carl Moyer Memorial Air Quality Standards Attainment Program, as an eligible project. The Committee and staff discussed whether this provision would serve the Bay Area; and staff's plan to speak with the bill's author.

- **SB 629 (McGuire):** 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 how this bill’s language may be amended to address emissions from wineries; and staff’s plan to refrain from taking a position until the revised language is released.

The Committee and staff also discussed:

- **SB 460 (Beall):** Authorizes the Director of the Department of Motor Vehicles to establish a biennial registration period for a vehicle, with subsequent renewals being required at biennial intervals thereafter.
- **Assembly Joint Resolution 7 (Gloria):** Green New Deal would comprehensively address the current climate emergency, transform the economy to one that places the health and wellness of communities at its center, promote ecological resilience, and restore biodiversity. The Committee and staff discussed the need for a definition of the Green New Deal; whether draft language exists; and federal, versus state, versions of the Green New Deal.
- **AB 617 Community Air Protection Program (CAPP):** Mr. Abbs announced the following: a legislative hearing will be held on March 18, 2019 in Sacramento, and Jack P. Broadbent, Executive Officer/Air Pollution Control Officer, has been called to testify. Community leaders may testify as well. The Air District will host a tour of West Oakland on March 8, 2019 with Legislative Budget and Assembly staff; the West Oakland Environmental Indicators project site will be included on the tour. The Legislative Analyst’s Office has started writing opinion reports about AB 617 CAPP budgeting for Fiscal Year Ending 2019/2020 and adequately addressed the need for predictable, sustained funding for air districts.

NOTED PRESENT: Director Canepa was noted present at 9:41 a.m.; Committee Vice Chair Abe-Koga was noted present at 9:44 a.m.; and Director Jue was noted present at 9:49 a.m.

Public Comments

No requests received.

Committee Action

Director Wagenknecht motioned, and Director Canepa seconded, that the Committee recommend that the Board **adopt** the following positions on the following bills:

- **AB 40 (Ting)** – Support if amended.

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

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

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

— **AB 210 (Voepel)** – Oppose

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

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

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

— **SB 210 (Leyva)** – Support.

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

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

## **5. WILDFIRE SMOKE PUBLIC HEALTH BILL**

Mr. Abbs announced that the Air District’s “Bay Area Clean Air Incentive Program” bill, AB 836, was recently introduced by Assemblymember, Buffy Wicks. Mr. Abbs remarked that, should this bill be expanded statewide, it should be on Assemblymember Wicks’ terms. He added that the first date this bill can be heard is March 23, 2019, at the Assembly Natural Resources Hearing, and that staff is creating fact sheets for the Natural Resources Committee. Mr. Abbs also said that several members of the Air District’s Legislative Committee have expressed an interest in attending the Hearing, but he recommends that they reach out to the Legislators directly.

### Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

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

No requests received.

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

None.

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

Wednesday, March 27, 2019, Bay Area Air Quality Management District Office, 375 Beale Street, San Francisco, California 94105 at 9:30 a.m.

**9. ADJOURNMENT**

The meeting adjourned at 10:44 a.m.

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