

Bay Area Air Quality Management District
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APPROVED 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, Spering.

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.
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.

/s/ Marcy Hirtzka
Marcy Hirtzka
Clerk of the Boards