

Bay Area Air Quality Management District
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APPROVED 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 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 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.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards