



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

BOARD OF DIRECTORS  
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

MARGARET ABE-KOGA – CHAIR  
JOHN BAUTERS  
PAULINE RUSSO CUTTER  
SCOTT HAGGERTY  
TYRONE JUE

BRAD WAGENKNECHT – VICE CHAIR  
DAVID CANEPA  
JOHN GIOIA  
DAVINA HURT  
KAREN MITCHOFF

**THIS MEETING WILL BE CONDUCTED UNDER PROCEDURES AUTHORIZED BY  
EXECUTIVE ORDER N-29-20 ISSUED BY  
GOVERNOR GAVIN NEWSOM**

- **MEMBERS OF THE COMMITTEE MUST PARTICIPATE BY  
TELECONFERENCE**
- **THE PUBLIC MAY PARTICIPATE AND OBSERVE THIS MEETING VIA  
ZOOM**  
  

<https://zoom.us/j/96426122463>
- **PUBLIC COMMENTS WILL BE TAKEN DURING THE TELECONFERENCE.  
INSTRUCTIONS WILL BE PROVIDED ON HOW TO COMMENT AT THE  
START OF THE MEETING. COMMENTS MAY ALSO BE SUBMITTED AT**  
  

[Comments@baaaqmd.gov](mailto:Comments@baaaqmd.gov)
- **MEMBERS OF THE PUBLIC CAN ACCESS THE MEETING AGENDA BY  
CLICKING THE LINK AVAILABLE ON THE AIR DISTRICT'S WEBPAGE  
AVAILABLE AT**

[www.baaqmd.gov/bodagendas](http://www.baaqmd.gov/bodagendas)

**WEDNESDAY  
APRIL 22, 2020  
10:30 A.M.**

## **AGENDA**

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

**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.*

***Comment on Agenda Items:** The public may comment on each item on the agenda. Email Comments for items on the agenda must be submitted to [Comments@baaqmd.gov](mailto:Comments@baaqmd.gov) prior to the Committee taking up the particular item and indicate the agenda item to which the comment relates. Emailed comments will be considered as the agenda item is taken up by the Committee. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible. Comments may also be made during the teleconference. Instructions will be provided at the start of the meeting.*

**Staff/Phone (415) 749-**

**2. APPROVAL OF THE MINUTES OF NOVEMBER 25, 2019**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of November 25, 2019.*

**3. APPROVAL OF THE MINUTES OF JANUARY 15, 2020**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of January 15, 2020.*

**4. APPROVAL OF THE MINUTES OF APRIL 15, 2020**

**Clerk of the Boards/5073**

*The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of April 15, 2020.*

**5. SACRAMENTO LEGISLATIVE UPDATE**

**A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)**

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

6. **AIR DISTRICT SPONSORED BILLS**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on the status of two Air District sponsored bills: Ensuring Health and Safety of Schools (Assembly Bill (AB) 2882; Assemblymembers Chu and C. Garcia), and Expansion of Indirect Source Authority (AB 3211; Assemblymembers Bauer-Kahan and Bonta).*

7. **CONSIDERATION OF NEW BILLS**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

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

8. **FEDERAL LEGISLATIVE UPDATE**

A. Abbs/8437  
[aabbs@baaqmd.gov](mailto:aabbs@baaqmd.gov)

*The Committee will receive an update on recent events of significance on the federal level.*

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

*Emailed comments indicating the comment pertains to non-agenda matters will be considered under this item. Emailed comments containing 250 words or less will be read aloud by staff. Emailed comments exceeding 250 words may be summarized during the meeting, if feasible. Comments may also be made during the teleconference. Instructions will be provided at the start of the meeting.*

10. **COMMITTEE MEMBER 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).*

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

*Wednesday, May 27, 2020, at 9:30 a.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.*

12. **ADJOURNMENT**

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

**CONTACT:**

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

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

- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 375 Beale Street, Suite 600, San Francisco, CA 94105, at the time such writing is made available to all, or a majority of all, members of that body.

**Accessibility and Non-Discrimination Policy**

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

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

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

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

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

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

375 BEALE STREET, SAN FRANCISCO, CA 94105

FOR QUESTIONS PLEASE CALL (415) 749-4941

## EXECUTIVE OFFICE:

### MONTHLY CALENDAR OF AIR DISTRICT MEETINGS

#### APRIL 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Budget & Finance Committee	Wednesday	22	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	22	10:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source Committee	Wednesday	22	12:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Wednesday	22	2:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Climate Protection Committee	Wednesday	22	3:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee - CANCELLED & RESCHEDULED TO WEDNESDAY, APRIL 22, 2020 AT 2:00 P.M.	Thursday	23	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

#### MAY 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Special Meeting Budget Hearing	Wednesday	6	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	6	10:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community & Public Health Committee – CANCELLED & RESCHEDULED TO WEDNESDAY, MAY 27, 2020 AT 12:30 P.M.	Thursday	7	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Technology Implementation Office (TIO) Steering Committee	Friday	15	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20

# MAY 2020

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Budget & Finance Committee - CANCELLED	Wednesday	27	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	27	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source Committee	Wednesday	27	11:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Community & Public Health Committee	Wednesday	27	12:30 p.m.	Webcast only pursuant to Executive Order N-29-20

MV – 4/17/2020 – 11:16 AM

G/Board/Executive Office/Moncal

**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: April 13, 2020

Re: Approval of the Minutes of November 25, 2019

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of November 25, 2019.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of November 25, 2019.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of November 25, 2019

## AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of November 25, 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  
Monday, November 25, 2019

#### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 10:45 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson John J. Bauters; and Directors David J. Canepa, Pauline Russo Cutter, Scott Haggerty, Tyrone Jue, Jim Spering, and Brad Wagenknecht.

Absent: Directors John Gioia and Karen Mitchoff.

Also Present: Board Vice Chair Rod Sinks.

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

No requests submitted.

#### **3. APPROVAL OF THE MINUTES OF OCTOBER 9, 2019**

##### Public Comments

No requests received.

##### Committee Comments

None.



### Committee Action

Vice Chair Bauters made a motion, seconded by Director Spering, to **approve** the minutes of October 9, 2019; and the motion **carried** by the following vote of the Committee:

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

#### **4. 2020 BUDGET PRIORITIES**

Alan Abbs, Legislative Officer, reported the following:

- Overall revenue from California’s Cap-and-Trade program, which is deposited into the Greenhouse Gas Reduction Fund (GGRF), will decline. This is due to state expenditures that were significantly in excess of revenues that were generated, several years after the Cap-and-Trade program was launched in 2013. This decrease in GGRF funds will affect all California Air Districts, who are accustomed to receiving benefits from programs such as: Clean Vehicle Rebate program, California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology program, Clean Cars 4 All, Enhanced Fleet Modernization program, and Funding Agricultural Replacement Measures for Emission Reductions program.
- The Governor’s Budget will be released in the second week of January 2020. The Air District sent a letter to legislators representing the Bay Area, explaining the Air District’s priorities for 2020, including: increased funding for Assembly Bill (AB) 617 (Community Health Protection program) implementation and incentives, and AB 836 (Wildfire Smoke Clean Air Centers for Vulnerable Populations Incentive Pilot Program).
- Bond ballot measures anticipated in 2020: Three climate change water bonds are being developed for the November 2020 ballot:
  - **Senate Bill (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. It also 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. This bill is moving quickly. The California Air Pollution Control Officers Association (CAPCOA) developed language to potentially be inserted into the bond, requesting additional funds for mitigation (incentive) programs. The author will meet with Air District staff in December 2019.

- **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 Air District requested that Congresswoman Anna Eshoo author a companion bill to a senate bill (authored by Oregon Senators, Ron Wyden and Jeff Merkley), establishing a federal clean air center program, and she has done so. The Air District also asked California Senators, Kamala Harris and Dianne Feinstein, to co-author the aforementioned senate bill as well, and they are now supporting it. The goal is to merge the two bills into a federal appropriations bill.
- The upcoming federal transportation bill (multi-year funding bill for surface transportation programs) is being delayed by impeachment proceedings but may be passed in 2021. Proposals are being developed in the meantime.
- Congressman Mark DeSaulnier has submitted legislation for the Clean Corridors Act, directing the Department of Transportation to award grants to certain governmental entities and planning organizations to install electric vehicle charging infrastructure and hydrogen fueling infrastructure along designated alternative fuel corridors. The Air District was asked to review the original bill language and make suggestions.

### Public Comments

No requests received.

### Committee Comments

The Committee and staff discussed the costs of retrofitting school air filtration systems, and whether that would be required under AB 836; concerns regarding how students may be impacted if schools act as clean air shelters during school hours; the importance of schools located in areas that the Air District has not currently identified as AB 617 areas upgrading their campuses to create clean air centers; the status of the Air District's engagement with external stakeholders to acquire support for AB 836; the suggestion that an informational hearing on AB 836 be held to build support among California Air Districts; whether the Air District has identified a lobbyist to champion AB 836, and the suggestion that the Committee presents an annual report on current Air District efforts to the legislature prior to committees hearings when the current legislative session reconvenes; whether AB 836 will fund the hardening of overhead powerlines to address wildfire prevention; the suggestion that CAPCOA creates a Political

Action Committee; and whether the Air District has an opinion on the Governor’s vetoing of SB 1 (California Environmental, Public Health, and Worker Defense Act of 2019) authored by California State Senator, Toni Atkins.

Committee Action

None; receive and file.

**5. 2020 LEGISLATIVE PRIORITIES**

Mr. Abbs reported the following potential Air District-sponsored bills for 2020:

- The Air District’s Board of Directors’ adoption of the West Oakland Community Action Plan resulted in the Air District’s desire to pursue increased indirect source authority from the California Air Resources Board. Air District staff will propose an Air District-supported bill that revises indirect source authority in the California Air Pollution Control Laws (Health and Safety Code) to address destinations of diesel vehicles.
- Due to recent emission concerns from the Stratford School in Fremont, the Air District is considering proposing amendments to the California Environmental Quality Act. Currently, Local Education Agencies (LEA) are required to consult with their local air district to identify facilities within a quarter mile of the proposed site that might reasonably be anticipated to emit hazardous air emissions or handle hazardous materials, substances, or wastes, and must provide written notification of those findings. Private schools are not yet required to do this when considering new school sites. Air District staff are in the process of speaking with the Governor’s Office of Planning and Research and California Department of Education to assess how to pursue necessary changes in existing requirements.
- The Air District will continue to monitor the movement of AB 423 (Gloria), which would require the San Diego County Air Pollution Control District to have a specified membership (appoint a specified liaison to consult with the United States Navy, Marine Corps, and Coast Guard). By requiring local governments to appoint members to the San Diego County Air Pollution Control District governing board in a specified manner and by adding to the duties of the San Diego air district, this bill would impose a state-mandated local program.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District’s proposed changes to Health and Safety Code § 40716, which includes required data collection of air pollutant emissions, would pose any financial impacts to the community, and whether facilities are already collecting such data; clarification regarding which communities would be subject to the Air District’s indirect

source authority; whether the Air District’s proposed changes to indirect source authority would allow application of air district indirect source authority at stationary sources that are known to attract high volumes of diesel pollution; previous and unsuccessful legislative attempts to include air toxics under magnet source authority; concerns that the Air District’s time and energy spent amending regulations to address the site selection process for private schools may be futile, as some public schools and local planning departments do not implement existing requirements for public schools; whether building codes at private schools must comply with the Field Act of 1933; the anticipated timeline for the legislation regarding indirect source authority; and the suggestion of asking Assemblyman Bill Quirk to champion the Air District’s indirect source authority bill.

Committee Action

None; receive and file.

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

No requests received.

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

Director Cutter requested that the City of San Leandro receives available funding for AB 617 early action in 2020.

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

Wednesday, January 15, 2020, at the State Capitol - Eureka Room, located at 10<sup>th</sup> and L Streets, Sacramento, CA 95814 at 1:00 p.m.

**9. ADJOURNMENT**

The meeting adjourned at 11:58 a.m.

Marcy Hiratzka  
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: April 13, 2020

Re: Approval of the Minutes of January 15, 2020

---

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) Special Meeting of January 15, 2020.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee Special Meeting of January 15, 2020.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 3A: Draft Minutes of the Committee Special Meeting of January 15, 2020

## AGENDA 3A – ATTACHMENT

Draft Minutes – Legislative Committee Special Meeting of January 15, 2020

Bay Area Air Quality Management District  
State Capitol, Eureka Room  
10<sup>th</sup> and L Streets  
Sacramento, CA 95814  
(415) 749-5073

### **DRAFT MINUTES**

Summary of Board of Directors  
Legislative Committee Special Meeting  
Wednesday, January 15, 2020

#### **1. CALL TO ORDER – ROLL CALL**

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 1:03 p.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson John J. Bauters; and Directors David J. Canepa, Pauline Russo Cutter, Scott Haggerty, Karen Mitchoff, Rod Sinks, Jim Spering, and Brad Wagenknecht.

Absent: Directors John Gioia and Tyrone Jue.

Also Present: None.

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

No requests submitted.

#### **3. 2020 LEGISLATIVE BRIEFING**

Alan Abbs, Legislative Officer, and Greg Nudd, Deputy Air Pollution Control Officer of Policy, presented a briefing to legislative staff about Bay Area Air Quality Management District activities and priorities for 2020. Slides that were presented included: Bay Area Air Quality Management District history; what does the Air District do; what is in the air in the Bay Area; 2020 Air District initiatives; and contact us.

NOTED PRESENT: Directors Cutter, Haggerty, and Wagenknecht, and Vice Chair Bauters, were all noted present at 1:07 p.m. Director Sinks was noted present at 1:26 p.m.

Public Comments

Legislative staff members asked Air District staff about the Air District’s engagement with the Port of Oakland, and whether the Air District offers incentives for heavy-duty vehicles in the freight sector.

Committee Comments

None.

Committee Action

None; receive and file.

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

None.

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

At the conclusion of the meeting, it was announced that the next meeting would take place at the Call of the Chair.

**6. ADJOURNMENT**

The meeting adjourned at 1:48 p.m.

Marcy Hiratzka  
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: April 15, 2020

Re: Approval of the Minutes of April 15, 2020

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RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of April 15, 2020.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of April 15, 2020.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Marcy Hiratzka  
Reviewed by: Vanessa Johnson

Attachment 2A: Draft Minutes of the Committee Meeting of April 15, 2020



## AGENDA 4A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of April 15, 2020

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, April 15, 2020

**This meeting was conducted under procedures authorized by executive order N-29-20 issued by Governor Gavin Newsom. Members of the committee participated by teleconference.**

#### 1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Margaret Abe-Koga, called the meeting to order at 8:30 a.m.

Present: Chairperson Margaret Abe-Koga; Vice Chairperson Brad Wagenknecht; and Directors John Bauters, Pauline Russo Cutter, John Gioia, Scott Haggerty, Davina Hurt, Tyrone Jue, and Karen Mitchoff.

Absent: Director David Canepa.

Also Present: Board Chair Rod Sinks.

#### 2. CONSIDERATION OF NEW BILLS

Alan Abbs, Legislative Officer, explained that the Legislature is currently in Spring Recess, and that bills containing public health or wildfire/public safety power shutoff components may take precedence when the Legislature reconvenes.

The Committee and Air District staff discussed the following bills:

— **Smog Check Exemption** - Assembly Bills (AB) 1972 (Voepel) and 2225 (Grayson) –  
OPPOSE

AB 1972 would ensure that owners of collector cars are given the limited exemption from smog checks that is required by law.

DISCUSSION: Mr. Abbs said that this bill has been pulled by the author and will not be considered this year.

AB 2225 would exempt motor vehicles from smog check, regardless of model year, if the vehicle has specialty plates that have been issued to an owner of a motor vehicle that is operated primarily for purposes of historical exhibition and the vehicle meets certain requirements. This bill would exempt motor vehicles that have been issued with the specialty plate described above from the requirement that it be inspected biennially upon registration.

DISCUSSION: Mr. Abbs said that this bill has been pulled by the author and will not be considered this year.

— **Backup Generator Exemption Bills** - AB 2182 (B. Rubio), Senate Bill (SB) 802 (Glazer), SB 1099 (Dodd), and SB 1185 (Moorlach) – OPPOSE

AB 2182 would provide flexibility for all critical service providers to use and maintain emergency power generators for Public Safety Power Shutoff (PSPS) events. This flexibility would be accomplished by: (1) confirming that backup power generation during PSPS events is considered emergency use of generators; (2) ensuring that generator use for PSPS events is not limited by any time constraints; and, (3) by providing testing and maintenance flexibility for these backup generators due to the strenuous nature of their use during PSPS events. This bill would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.

SB 802 would allow health facilities to operate emergency backup generators during public safety power shutoffs (PSPS) without having that usage count towards time limitations established by air districts. This bill would require an air district to adopt a rule or revise its existing rules, consistent with federal law, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit. By requiring air districts to adopt or revise its rules, the bill would impose a state-mandated local program.

SB 1099 would allow critical facilities, including water and wastewater agencies, to operate existing emergency backup generators during Public Safety Power Shutoffs (PSPS) or other losses of power without being out of compliance or subject to penalties from local air districts. This flexibility would ensure water continues to flow and wastewater continues to be treated during power outages, protecting public health and safety. This bill, consistent with federal law, would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators. By requiring air districts to adopt a new permitting program for those critical facility emergency backup generators, the bill would impose a state-mandated local program. The bill also would define certain terms for purposes of these provisions.

SB 1185 would allow businesses and homeowners to install, maintain and use a back-up natural gas generator onsite for use in the event of a public safety power shut-off (PSPS) event. Specifically, this bill would prohibit an air district or the California Air Resources Board (CARB) from adopting or maintaining regulations that limit the use of a federally compliant natural gas-powered generator during a PSPS event. The bill additionally stipulates that any use of a natural gas generator during a PSPS event would not count toward any time limitation included in the permit issued for that generator. This bill would prohibit an air district from adopting or maintaining a rule that would limit or prohibit any person from using a federally compliant natural gas-powered generator during a deenergization event and would require that any usage during a deenergization event not count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of any permit for that generator. The bill would prohibit the state board from adopting or maintaining a rule that would limit or prohibit any person from using a federally compliant natural gas-powered generator during a deenergization event. By prohibiting an air district maintaining existing rules, the bill would impose a state-mandated local program to revise any rule not in compliance with that prohibition.

DISCUSSION OF ALL FOUR BILLS: The Committee and staff discussed that all four bills will move forward this year for consideration; the Air District's concern regarding potentially unlimited maintenance and testing of generators during power shutoffs; concerns from the industry about whether air districts will fine or shut down businesses' operations for using generators during power shutoffs, and the concerns that small businesses will not be able to afford replacement generators during emergencies; the California Air Pollution Control Officers Association's and South Coast Air Quality Management District's opposition to this bill; how this bill could impact the Air District's ability to regulate air quality; the quality of the Air District's outreach to Senators Dodd and Glazer regarding their bills, and the request that additional outreach occurs; whether to adopt an "Oppose Unless Amended" position on these bills instead of "Oppose", and the suggestion that Air District staff work with Senators Dodd and Glazer to amend their

maintenance and testing language; and whether any proposed legislation exists that addresses cleaner (non-fossil fuel) alternatives to backup generators, and the suggestion that the Air District develops some strategies.

— **Mobile Fueling On-Demand Tank Vehicles** - AB 2792 (Quirk) – OPPOSE

AB 2792 takes the first steps to create a uniform, consistent, and reasonable standard of operation for mobile fueling on-demand tank vehicles. This bill would classify a mobile fueling on-demand tank vehicle, as defined, as a mobile source and would require that it be regulated by the state board. The bill would require the state board to adopt regulations on or before an unspecified date to achieve reductions in emissions attributable to mobile fueling on-demand tank vehicles.

DISCUSSION: Mr. Abbs said that this bill will move forward for consideration this year.

— **Air Quality Activity Recommendations** - AB 2498 (Chu) – SUPPORT

AB 2498 requires the California Interscholastic Federation (CIF) to cooperate with the Department of Education as members of the statewide air quality working group, to develop, communicate and maintain recommendations relating to air quality and its impact on athletic activity for schools. This bill would add to the Legislature’s intent policies that CIF shall cooperate with the State Department of Education to develop and maintain recommendations relating to air quality and its impact on athletic activity for schools, post on its internet website air quality activity recommendations for schools and air quality education materials, and require schools, as a condition of CIF membership, to ensure that their existing written emergency action plans educate administrators, staff, and coaches on air quality activity recommendations and education materials made available on CIF’s internet website.

DISCUSSION: Mr. Abbs said that he was unsure whether this bill would be moved forward this year or pulled by the author and added that this is in alignment with the wildfire smoke activities the Air District has conducted and supported over the last few years.

— **Greenhouse Gases: Crude Oil Emissions** - AB 3217 (Gloria) – SUPPORT

AB 3217 would require disclosure of information, via crude oil assays, that is critical to understanding the environmental impact of oil produced and refined in California. Crude oil assays disclose the unique molecular and chemical characteristics of crude oils, which are essential to understanding their environmental impact. Additionally, AB 3217 would direct CARB to assess total well-to-wheel life cycle greenhouse gas emissions associated with California-produced oils. This bill would require, no later than December 31, 2023, the state board, in cooperation with the Geologic Energy Management Division in the Department of Conservation and the State Energy Resources Conservation and Development Commission, to complete and publish an analysis of the life-cycle greenhouse gas emissions associated with crude oil produced in the state, as prescribed.

The bill would require the state board to make a draft of the completed analysis and all supporting data, as specified, available for public comment.

DISCUSSION: Mr. Abbs said that he was unsure whether this bill would be moved forward this year or pulled by the author and added that this bill is also known as the “Know Your Oil Act.”

The following are bills whose authors have requested the Air District’s support:

— **Green Electrolytic Hydrogen - SB 1122 (Skinner)**

SB 1122 would require the California Public Utilities Commission to consider green electrolytic hydrogen to be a zero carbon-emitting resource for purposes of identifying a diverse and balanced portfolio of resources needed to ensure a reliable electricity supply that provides optimal integration of renewable energy resources in a cost-effective manner.

DISCUSSION: Mr. Abbs said that this bill has been pulled by the author and will not be considered this year.

— **Thermal Powerplants: Exemption: Emergency Backup and Standby Generators: Data Centers - SB 858 (Beall)**

SB 858 would ensure the California Energy Commission (CEC) retains jurisdiction over only those projects that ensure the state’s electricity supply and grid reliability. The statutory change will clarify the CEC’s jurisdiction and allow local agencies to utilize their processes to efficiently permit backup generation that is functionally isolated at its installed site. This bill would exclude from the definition of a thermal powerplant subject to the jurisdiction of the commission an emergency backup or stationary *standby* generator that is not connected to the electrical grid and that is constructed, operated, or modified to provide immediate electrical power to maintain the operations of a data center in the event of an outage of electricity from the electrical grid.

DISCUSSION: Mr. Abbs recommended that the Committee refrain from taking a position at this time and added that Air District staff will continue to work with the author. He also said that he believes that the CEC has expertise in conducting California Environmental Quality Act analyses and may be better at convincing facilities to choose cleaner power than other lead agencies.

Public Comments

No requests received.

Committee Action

<b>Topic</b>	<b>Bill No.</b>	<b>Original Staff Recommendation</b>	<b>Committee Recommendation to Board</b>
<b>Smog Check Exemption</b>	AB 1972 (Voepel)	Oppose	Not Applicable, as bill is not moving forward this year
	AB 2225 (Grayson)	Oppose	Not Applicable, as bill is not moving forward this year
<b>Backup Generator Exemption</b>	AB 2182 (B. Rubio)	Oppose	Oppose
	SB 802 (Glazer)	Oppose	Oppose
	SB 1099 (Dodd)	Oppose	Oppose
	SB 1185 (Moorlach)	Oppose	Oppose
<b>Mobile Fueling On-Demand Tank Vehicles</b>	AB 2792 (Quirk)	Oppose	Oppose
<b>Air Quality Activity Recommendations</b>	AB 2498 (Chu)	Support	Support
<b>Greenhouse Gases: Crude Oil Emissions</b>	AB 3217 (Gloria)	Support	Support
<b>Green Electrolytic Hydrogen</b>	SB 1122 (Skinner)	Consider supporting, upon author's request	Not Applicable, as bill is not moving forward this year.
<b>Thermal Powerplants: Exemption: Emergency Backup and Standby Generators: Data Centers</b>	SB 858 (Beall)	Though author has requested support, wait to take action and develop bill language with author	Wait to take action and develop bill language with author.

Director Bauters made a motion, seconded by Vice Chair Wagenknecht, to recommend that the Board of Directors adopts the positions captured in the final column of the above chart; and the motion **carried** by the following vote of the Board:

- AYES:** Abe-Koga, Bauters, Cutter\*, Gioia, Haggerty\*, Hurt, Jue, Mitchoff\*, Sinks, Wagenknecht.  
**NOES:** None.  
**ABSTAIN:** (See note below \*)  
**ABSENT:** Canepa.

*\* Abstained from voting on SB 802 and SB 1099, but approved all other positions*

[CLERK'S NOTE: At the Bay Area Air Quality Management District's April 15, 2020 Board of Directors meeting, immediately following this meeting, **a substitute motion, removing consideration of SB 802 and SB 1099, was approved.**]

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

No requests received.

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

No requests received.

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

Although the Committee Chair announced that the next meeting would be at the Call of the Chair, Air District staff confirmed that the next meeting would take place on Wednesday, April 22, 2020, at 10:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsome.

**6. ADJOURNMENT**

The meeting adjourned at 9:16 a.m.

Marcy Hiratzka  
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: April 13, 2020

Re: Sacramento Legislative Update

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**RECOMMENDED ACTION**

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

**DISCUSSION**

On January 10, 2020, Governor Newsom released his initial 2020/2021 Budget, and the Senate and Assembly had initial budget hearings on the climate budget in February 2020, which were attended by Air District staff with local community group members. The climate budget included the Greenhouse Gas Revenue Fund (GGRF), a proposed bond measure for the November 2020 ballot of approximately \$5 billion (B), and a new \$1B Climate Catalyst Fund to support low-interest loans for capital projects. Since the budget hearings, however, the coronavirus pandemic and resulting economic effects, a significant budget request for support of the homeless, and the failure of the state school bond measure, as well as many local tax measures, have likely changed the budget discussion going forward. Early on, we were hopeful that there were opportunities to add funding to various programs of interest, but now we will have a lot of work to do to make that a reality.

The next major milestone will likely be the release of the Governor's "May Revise" that should include revenue projection changes as a result of changes in the economy. As of this writing, the Legislature is scheduled to reconvene on May 4, 2020, but this date is subject to change. It is also uncertain what the actual budget process will be. It seems likely that the budget this year will be created in several stages, with a "workload budget" adopted prior to the June 15, 2020 constitutional deadline, and then special budget sessions later in the summer to address the remaining budget after the July 15, 2020 income tax deadline as well as the GGRF Budget.



Selected Program Funding in Proposed Fiscal Year (FY) 20/21 Budget vs Approved FY 19/20 Budget

<b>Program</b>	<b>FY 19/20 Budget</b>	<b>FY 20/21 Proposal</b>
Assembly Bill (AB) 617 - Implementation	\$50M	\$25M
AB 617 - Incentives	\$245M	\$200M
AB 617 - Technical Assistance	\$10M	\$10M
Clean Vehicle Rebate	\$238M	\$125M
Clean Truck and Bus	\$182M	\$150M
Ag Diesel Engine Replacement	\$65M	\$50M
Clean Cars for All/School Bus	\$65M	\$75M
Woodstove Replacement	\$0	\$0
AB 836 (Wicks) Clean Air Centers	\$0	\$5.5M

AB 617 Implementation - This funding is provided to local air quality management districts (AQMDs) and air pollution control districts (APCDs) to provide staffing and support to community-based air quality monitoring programs and emission reduction programs. The FY 19/20 Budget provided \$20 million (M) in funding from GGRF and \$30M in funding from the Air Pollution Control Fund, of which the Air District receives a little under 20 percent for our work in West Oakland and Richmond/San Pablo, and upcoming work in East Oakland, Vallejo, East San Francisco, San Jose, the Tri-Valley, Pittsburg, and other areas. AB 617 (C. Garcia; Chapter 136, Statutes of 2017) was passed as a promise to disadvantaged communities that the Cap-and-Trade Program would ensure that areas most affected by polluting industries received local benefits. This is a program that should receive significantly greater funding; proposing to cut this program by over 50 percent only three years after Cap-and-Trade was extended is breaking a promise to disadvantaged communities everywhere.

AB 617 Incentives - This funding is provided to local APCDs and AQMDs to incentivize businesses in and around burdened communities to scrap older and more polluting equipment for new lower-emission equipment. The Air District has used this and other incentive funding to replace gantry cranes and other port equipment, truck engines, locomotive engines, ferry engines, transit buses, and install electric charging infrastructure, resulting in immediate local benefits to communities while reducing fossil fuel usage and greenhouse gas emissions. This incentive funding is imperative to maintain, especially because air districts have limited authority to regulate mobile emissions due to state and federal preemptions.

Clean Vehicle Rebate Program (CVRP) - California efforts to increase light-duty vehicle fuel efficiency, increase the penetration of electric vehicles into the market, and decrease vehicle emissions are under threat by auto manufacturers and the Trump Administration. CVRP should continue to receive funding to incentivize purchase of the cleanest vehicles available, and the program should be evaluated to ensure it targets potential buyers with a focus on socioeconomic equity and providing clean transportation to communities and individuals that need it the most.

Clean Truck and Bus - California and U.S. Environmental Protection Agency are entering a critical period in which heavy-duty truck engine emission standards will be revised for the first time in almost 20 years. This will be a historic opportunity to move toward an engine requirement that includes electrification and diesel engines that could be up to 90 percent cleaner than the current engine standard. To bring these vehicles to market as fast as possible, it will be critical to continue programs that incentivize their purchase.

Clean Cars for All/School Bus - The Air District is one of only four air districts in the state to implement a Clean Cars for All program. This program matches lower-income residents in the Bay Area with a new or used electric, plug-in electric/hybrid, or hybrid cars and purchase assistance, in exchange for scrapping an older, more polluting vehicle. The program is highly successful in providing cleaner transportation options, as well as providing a robust demand for slightly used clean cars.

AB 836 (Wicks) Clean Air Centers - Through the leadership of Assemblymember Wicks, a statewide program has been created to identify public spaces and provide funding to retrofit ventilation systems for use by the public during wildfire smoke emergencies, with a priority focus on schools and buildings that serve our most vulnerable populations. This is the first program of its kind in the United States and has drawn interest from the U.S. Senate and House, which have introduced similar legislative bills. We appreciate the initial funding and would like to see the amount increased either in the budget process, or in a future climate resiliency bond.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 5A: Update from Assembly Budget Committee, April 6, 2020

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0092  
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Assembly  
California Legislature



**ASSEMBLY COMMITTEE ON BUDGET**

**PHILIP Y. TING, CHAIR**  
ASSEMBLYMEMBER, NINETEENTH DISTRICT

**CHIEF CONSULTANT**  
CHRISTIAN GRIFFITH

**DEPUTY CHIEF CONSULTANT**  
NICOLE VAZQUEZ

**COMMITTEE SECRETARIES**  
IRENE VILLARRUZ  
MARCO RODRIGUEZ  
JUAN CERVANTES

**CONSULTANTS**  
FARRA BRACHT  
SUSAN CHAN  
KATIE HARDEMAN  
JENNIFER KIM  
ANDREA MARGOLIS  
MARK MARTIN  
GENEVIEVE MORELOS

The 2020-21 budget in California will have to adjust to the realities of the impact of COVID-19 on our State. The immediate needs in response to the disaster force us to pause important work and priorities that predated the pandemic. And once the State begins to recover, we will have to adapt to a very different budget process in the Assembly. This memo provides an update on what the Committee's process might look like, going forward.

When we reconvene, we will have less money and less time to adopt a balanced budget. We know that as a result of the crisis, the State will see our revenues decline, even as we must increase spending to protect Californians. We will not be able to assess the full damage to our State's economy and our revenues until August, at the earliest. In addition, we must find a way to include the public in our deliberations - which, depending on when we return, may be condensed into a few short weeks.

This new reality will likely result in the following changes to the 2020 budget process:

- **June 15 Baseline Budget:** We expect the Governor's May Revision to become a "workload" budget that reflects 2019-20, or current, service levels. This means that if subcommittees were to meet right now, almost all new January 2020 budget proposals would not be heard. When we reconvene, we will no longer be able to consider new priorities and ideas from stakeholders, advocates and Members, with the exception of COVID-19 related costs, wildfire prevention, and homelessness funding. We may even need to revisit some reductions to existing state programs at that time, given the State's fiscal condition. Subcommittees will be directed to only agendaize items necessary to build this baseline budget, or items providing direct oversight of disaster response and recovery spending. The Assembly will also likely defer all deliberations on special fund programs, like those receiving Greenhouse Gas Reduction Funds, until after June 15.

- “August Revision”: With the delay in personal income tax receipts to July 15, we expect that we will not have a complete picture of our revenues until August. As a result, we expect to revisit the budget after June 15. This second round of budget deliberations will allow us to consider issues we will not have time to discuss in May and June, especially new issues related to recovery from the COVID-19 pandemic. Given the initial projections of the virus’s impact on the economy, it is possible the State will need to consider sizable ongoing reductions to major programs during this time. Therefore, Subcommittees will not likely be able to revisit proposals for new investments put forward by Members, the administration, advocates, and the public prior to this public health emergency.
- Deferring the Promises of 2020: When the 2020 budget process began, the State was expecting a small ongoing surplus that offered us a chance to expand additional services to Californians. While that is likely no longer possible this fiscal year, we are in better shape to address the expected recession compared to any other point in the State’s history. While we may face one or more difficult fiscal years ahead, the prudent decisions we made since the Great Recession will help us avoid the lingering structural budget problems that plagued the State before 2012. We may have some difficult choices in the coming months, but we will be able to return to the stability, optimism, and innovation that characterized the State budget over the last eight years if we remain responsible.

Thank you for your attention to this memo. As the situation evolves over the coming weeks, we will continue to update you on our thinking and planning about how to best move forward.

**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: April 13, 2020

Re: Air District Sponsored Bills

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**RECOMMENDED ACTION**

The Committee will receive an update on two Air District sponsored bills – Assembly Bill (AB) 2882 (Chu and C. Garcia) and AB 3211 (Bauer-Kahan and Bonta).

**DISCUSSION****AB 2882 Hazardous emissions and substances: school sites: private and charter schools**

AB 2882 is our bill in response to the Stratford School issue, and is joint authored by Assemblymembers Chu and C. Garcia, with coauthors Assemblymembers Kalra, Quirk, and Wicks, and Senators Hill and Wieckowski. Prior to constructing a new public school, a school district must go through a California Environmental Quality Act (CEQA) process that requires (in the Ed Code and Resources Code) dialog with their local air district, identification of sources of air pollution nearby, and a thoughtful determination that the nearby sources of pollution do not pose a threat to the future students or employees. While private schools perform CEQA, they are not required to make a similar declaration prior to construction of a school. As we see more infill development in California, including development of old industrial sites, it will be important to ensure that our children have an opportunity to attend schools with a healthy learning environment. We are happy to be working with Assemblymember Chu on this important measure. As of this writing, the bill has not yet been referred to a committee, and it is unknown whether this bill will be moving forward this year given the legislative response to COVID-19.

**AB 3211 Toxic air contaminants**

AB 3211 is our response to the direction in the West Oakland Community Emissions Reduction Plan to expand air district authority over indirect sources and has been joint authored by Assemblymembers Bauer-Kahan and Bonta. Indirect sources include warehouses, distribution centers, ports, or places that may not be a “stationary source” of pollution, but nonetheless attract sources of air pollution to them, namely cars and trucks. Current state law allows air districts to develop local regulations on indirect sources if they are in nonattainment of state air quality standards, ozone, and particulate matter. Significant medical research over the last decade, however, has informed us of the negative health effects of fine particulate matter (PM2.5) and toxic air contaminants, including diesel particulate, which current authority doesn’t cover and,

while we have made strides in cleaning up diesel engines over the years, large concentrations of diesel equipment in small areas can have huge health impacts in neighboring communities. AB 3211 would expand statewide authority to include toxic air contaminants within current indirect source authority, which would provide tools to air districts to further identify local health impacts and to more effectively target scarce incentive funding. The bill has been double referred to Assembly Natural Resources and Transportation. We have received several letters of support to date for the bill but as of this writing it is unknown whether this bill will be moving forward this year given the legislative response to COVID-19.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

- Attachment 6A: AB 2882 – Fact Sheet
- Attachment 6B: AB 2882 – Bill Language
- Attachment 6C: AB 2882 – Support Letter – Californian Air Pollution Control Officers Association
- Attachment 6D: AB 3211 – Fact Sheet
- Attachment 6E: AB 3211 – Bill Language
- Attachment 6F: AB 3211 – Support Letter – 350 Bay Area Action
- Attachment 6G: AB 3211 – Support Letter – Brightline Defense
- Attachment 6H: AB 3211 – Support Letter – Citizen Air Monitoring Network
- Attachment 6I: AB 3211 – Support Letter – Strategic Energy Innovations
- Attachment 6J: AB 3211 – Support Letter – Sunflower Alliance
- Attachment 6K: AB 3211 – Support Letter – Tri-Valley Air Quality Community Alliance
- Attachment 6L: AB 3211 – Support Letter – Veggielution



ASSEMBLY MEMBER

**Kansen Chu 朱感生**

DISTRICT 25

**AB 2882****ENSURING HEALTH AND  
SAFETY OF SCHOOLS***Bill Version: February 21, 2020***SUMMARY**

AB 2882 ensures the public health and safety of all students and school employees in California by requiring private and charter schools to identify nearby sources of air pollution, consult with their local air districts, and meet certain siting requirements prior to constructing a new school.

**BACKGROUND**

Existing law requires public schools to follow certain requirements before approving and building a new school. These requirements include that the governing board of the school district determines that the property is not a current or former hazardous waste or solid waste disposal site; a hazardous substance release site identified by the Department of Toxic Substances Control; or a site that contains one or more pipelines that carries hazardous substances. Existing law also requires that the school district notify in writing and consult with the administering agency and any local air district necessary to identify facilities within the air district's authority that might emit hazardous emissions, substances, or waste. Private schools and some charter schools, however, are not currently subjected to all of the aforementioned requirements before building a new school.

**PROBLEM**

Private schools and some charter schools are not required to meet the same siting requirements as public schools before building a new school. As a result, there are cases in California where schools have been built in a potentially unsafe location near sources of hazardous emissions, substances, or waste. Consequently, the public health and safety of all students and school employees at these schools could be at risk.

**SOLUTION**

In order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 2882 will require that private schools and charter schools meet the same siting requirements as public schools. Specifically, the governing board of a private school or, for a charter school, the city or county, will need to:

- Determine that the property is not a hazardous site or a site that can potentially release hazardous emissions, substances, or waste.
- Notify in writing and consult with the administering agency in which the proposed schoolsite is located and with any air pollution control district or air quality management district having jurisdiction in the area to identify facilities within the district's authority that might reasonably be anticipated to emit or handle hazardous emissions, substances, or waste.
- Make one of the following written findings: that consultation identified no significant pollution sources, the health risks will not endanger the public health, or that corrective measures will be undertaken to mitigate hazardous emissions.

**SPONSOR**

Bay Area Air Quality Management District

**STAFF CONTACT**

Linda Vo

(916) 319-2025

Linda.Vo@asm.ca.gov

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 2882**

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**Introduced by Assembly Members Chu and Cristina Garcia**  
**(Coauthors: Assembly Members Kalra, Quirk, and Wicks)**  
(Coauthors: Senators Hill and Wieckowski)

February 21, 2020

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An act to amend Section 17213 of, and to add Article 3 (commencing with Section 17235) to Chapter 1 of Part 10.5 of Division 1 of Title 1 of, the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to schoolsites.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2882, as introduced, Chu. Hazardous emissions and substances: schoolsites: private and charter schools.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA prohibits an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a school district unless specified conditions are met, relating to, among other things, whether the property is located on a former hazardous waste disposal site or solid waste disposal site, a hazardous substances release site, or a site that contains a pipeline that carries specified substances, and the property's proximity to facilities that might reasonably be



anticipated to emit hazardous air emissions or handle hazardous or extremely hazardous materials, substances, or waste, as provided.

This bill would additionally prohibit an environmental impact report or negative declaration from being approved for any project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a charter school, unless those same conditions are met. By imposing new requirements on charter schools, cities, and counties, the bill would impose a state-mandated local program.

(2) Existing law prohibits the governing board of a school district from approving a project for the acquisition of a schoolsite, unless specified conditions are met, including, among others, that the school district determines that the property to be purchased or built upon is not the site of a former hazardous waste disposal site or solid waste disposal site, a hazardous substances release site, or a site that contains a pipeline that carries specified substances, and that the school district has not identified specified facilities within one-fourth mile of the proposed schoolsite that might reasonably be anticipated to emit hazardous air emissions or handle hazardous or extremely hazardous materials, substances, or waste, as provided.

This bill would additionally impose that prohibition on the chartering authority for a charter school and would impose that prohibition, and related requirements, on a private school. By imposing new requirements on charter schools, cities, and counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

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

1 SECTION 1. Section 17213 of the Education Code is amended  
 2 to read:

1 17213. (a) The governing board of a school district ~~may or~~  
2 *the chartering authority, as defined in Section 47613, for a charter*  
3 *school shall* not approve a project involving the acquisition of a  
4 schoolsite by a school ~~district, district or charter school,~~ unless  
5 all of the following occur:

6 ~~(a)~~

7 (1) The school district, as the lead agency, as defined in Section  
8 21067 of the Public Resources Code, *or, for a charter school, the*  
9 *city or county,* determines that the property purchased or to be  
10 built upon is not any of the following:

11 ~~(1)~~

12 (A) The site of a current or former hazardous waste disposal  
13 site or solid waste disposal site, ~~unless unless,~~ if the site was a  
14 former solid waste disposal site, the governing board of the school  
15 district *or, for a charter school, the city or county,* concludes that  
16 the wastes have been removed.

17 ~~(2)~~

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

23 ~~(3)~~

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

29 ~~(b)~~

30 (2) The school district, as the lead agency, as defined in Section  
31 21067 of the Public Resources Code, *or charter school* in preparing  
32 the environmental impact report or negative declaration has  
33 consulted with the administering agency in which the proposed  
34 schoolsite is located, pursuant to Section 2735.3 of Title 19 of the  
35 California Code of Regulations, and with any air pollution control  
36 district or air quality management district having jurisdiction in  
37 the area, to identify both permitted and nonpermitted facilities  
38 within that district's authority, including, but not limited to,  
39 freeways and other busy traffic corridors, large agricultural  
40 operations, and railyards, within one-fourth of a mile of the

1 proposed schoolsite, that might reasonably be anticipated to emit  
2 hazardous air emissions, or to handle hazardous or extremely  
3 hazardous materials, substances, or waste. The school district, as  
4 the lead agency, *or charter school* shall include a list of the  
5 locations for which information is sought.

6 (e)

7 (3) The governing board of the school district *or, for a charter*  
8 *school, the city or county*, makes one of the following written  
9 findings:

10 (1)

11 (A) Consultation identified none of the facilities or significant  
12 pollution sources specified in ~~subdivision (b)~~ *paragraph (2)*.

13 (2)

14 (B) The facilities or other pollution sources specified in  
15 ~~subdivision (b)~~ *paragraph (2)* exist, but one of the following  
16 conditions applies:

17 (A)

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

22 (B)

23 (ii) The governing board *or, for a charter school, the city or*  
24 *county*, finds that corrective measures required under an existing  
25 order by another governmental entity that has jurisdiction over the  
26 facilities or other pollution sources will, before the school is  
27 occupied, result in the mitigation of all chronic or accidental  
28 hazardous air emissions to levels that do not constitute an actual  
29 or potential endangerment of public health to persons who would  
30 attend or be employed at the proposed school. If the governing  
31 board *or city or county* makes this finding, the governing board  
32 *or city or county* shall also make a subsequent finding, ~~prior to~~  
33 *before* the occupancy of the school, that the emissions have been  
34 mitigated to these levels.

35 (C)

36 (iii) For a schoolsite with a boundary that is within 500 feet of  
37 the edge of the closest traffic lane of a freeway or other busy traffic  
38 corridor, the governing board of the school district *or, for a charter*  
39 *school, the city or county*, determines, through analysis pursuant  
40 to paragraph (2) of subdivision (b) of Section 44360 of the Health

1 and Safety Code, based on appropriate air dispersion modeling,  
2 and after considering any potential mitigation measures, that the  
3 air quality at the proposed site is such that neither short-term nor  
4 long-term exposure poses significant health risks to pupils.

5 ~~(D)~~

6 (iv) The governing board *or, for a charter school, the city or*  
7 *county*, finds that ~~neither of the conditions set forth in subparagraph~~  
8 ~~(B) or (C) can~~ clause (ii) or (iii) cannot be met, and the school  
9 district *or charter school* is unable to locate an alternative site that  
10 is suitable due to a severe shortage of sites that meet the  
11 requirements in subdivision ~~(a) of Section 17213~~: (a). If the  
12 governing board *or city or county* makes this finding, the governing  
13 board *or charter school* shall adopt a statement of ~~Overriding~~  
14 ~~Considerations overriding considerations~~ pursuant to Section  
15 15093 of Title 14 of the California Code of Regulations.

16 ~~(d) As used in this section:~~

17 (b) *For purposes of this section, the following definitions apply:*

18 (1) “Administering agency” means an agency designated  
19 pursuant to Section 25502 of the Health and Safety Code.

20 (2) “Extremely hazardous substance” means a material defined  
21 pursuant to paragraph (2) of subdivision (j) of Section 25532 of  
22 the Health and Safety Code.

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

29 (4) “Freeway or other busy traffic corridor” means those  
30 roadways that, on an average day, have traffic in excess of 50,000  
31 vehicles in a rural area as defined in Section 50101 of the Health  
32 and Safety Code, and 100,000 vehicles in an urban area, as defined  
33 in Section 50104.7 of the Health and Safety Code.

34 (5) “Handle” means handle as defined in Article 1 (commencing  
35 with Section 25500) of Chapter 6.95 of Division 20 of the Health  
36 and Safety Code.

37 ~~(H)~~

38 (6) “Hazardous air emissions” means emissions into the ambient  
39 air of air contaminants that have been identified as a toxic air  
40 contaminant by the State Air Resources Board or by the air

1 pollution control officer for the jurisdiction in which the project  
 2 is located. As determined by the air pollution control officer,  
 3 hazardous air emissions also means emissions into the ambient air  
 4 from any substance identified in subdivisions (a) to (f), inclusive,  
 5 of Section 44321 of the Health and Safety Code.

6 ~~(2)~~

7 (7) “Hazardous substance” means ~~any~~ a substance defined in  
 8 Section 25316 of the Health and Safety Code.

9 ~~(3) “Extremely hazardous substances” means any material~~  
 10 ~~defined pursuant to paragraph (2) of subdivision (g) of Section~~  
 11 ~~25532 of the Health and Safety Code.~~

12 ~~(4)~~

13 (8) “Hazardous waste” means ~~any~~ a waste defined in Section  
 14 25117 of the Health and Safety Code.

15 ~~(5)~~

16 (9) “Hazardous waste disposal site” means ~~any~~ a site defined  
 17 in Section 25114 of the Health and Safety Code.

18 ~~(6) “Administering agency” means any agency designated~~  
 19 ~~pursuant to Section 25502 of the Health and Safety Code.~~

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

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

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

34 SEC. 2. Article 3 (commencing with Section 17235) is added  
 35 to Chapter 1 of Part 10.5 of Division 1 of Title 1 of the Education  
 36 Code, to read:

1 Article 3. Private School Schoolsites

2  
3 17235. (a) For purposes of this section, the following  
4 definitions apply:

5 (1) “Administering agency” means an agency authorized  
6 pursuant to Section 25502 of the Health and Safety Code to  
7 implement and enforce Chapter 6.95 (commencing with Section  
8 25500) of Division 20 of the Health and Safety Code.

9 (2) “Extremely hazardous substances” has the meaning specified  
10 in paragraph (2) of subdivision (j) of Section 25532 of the Health  
11 and Safety Code.

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

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

23 (5) “Handle” has the same meaning specified in Section 25501  
24 of the Health and Safety Code.

25 (6) “Hazardous air emissions” means emissions into the ambient  
26 air of air contaminants that have been identified as a toxic air  
27 contaminant by the State Air Resources Board or by the air  
28 pollution control officer for the jurisdiction in which the project  
29 is located. As determined by the air pollution control officer,  
30 hazardous air emissions also means emissions into the ambient air  
31 from any substances identified in subdivisions (a) to (f), inclusive,  
32 of Section 44321 of the Health and Safety Code.

33 (7) “Hazardous substance” has the same meaning specified in  
34 Section 25316 of the Health and Safety Code.

35 (8) “Hazardous waste” has the same meaning specified in  
36 Section 25117 of the Health and Safety Code.

37 (9) “Hazardous waste disposal site” has the same meaning as  
38 “disposal site,” as defined in Section 25114 of the Health and  
39 Safety Code.

1 (b) The governing board of a private school shall not approve  
2 the acquisition or purchase of a schoolsite, or the construction of  
3 a new elementary or secondary school, by, or for use by, a private  
4 school unless all of the following occur:

5 (1) The city or county determines that the property proposed to  
6 be acquired or purchased, or to be constructed upon, is not any of  
7 the following:

8 (A) The site of a current or former hazardous waste disposal  
9 site or solid waste disposal site, unless, if the site was a former  
10 solid waste disposal site, the city and county concludes that the  
11 wastes have been removed.

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

17 (C) A site that contains one or more pipelines, situated  
18 underground or aboveground, that carry hazardous substances,  
19 extremely hazardous substances, or hazardous wastes, unless the  
20 pipeline is a natural gas line that is used only to supply natural gas  
21 to that school or neighborhood, or other nearby schools.

22 (D) A site that is within 500 feet of the edge of the closest traffic  
23 lane of a freeway or other busy traffic corridor.

24 (2) (A) The governing board has notified in writing and  
25 consulted with the administering agency in which the proposed  
26 schoolsite is located, and with any air pollution control district or  
27 air quality management district having jurisdiction in the area, to  
28 identify both permitted and nonpermitted facilities within that  
29 district's authority, including, but not limited to, freeways and  
30 busy traffic corridors, large agricultural operations, and railyards,  
31 within one-fourth of a mile of the proposed schoolsite, that might  
32 reasonably be anticipated to emit hazardous emissions or handle  
33 hazardous or extremely hazardous substances or waste. The  
34 notification by the governing board shall include a list of the  
35 locations for which information is sought.

36 (B) Each administering agency, air pollution control district, or  
37 air quality management district receiving written notification from  
38 a governing board to identify facilities pursuant to subparagraph  
39 (A) shall provide the requested information and provide a written

1 response to the governing board within 30 days of receiving the  
2 notification.

3 (3) The city or county makes one of the following written  
4 findings:

5 (A) Consultation identified no facilities of the type specified in  
6 paragraph (2) or other significant pollution sources.

7 (B) One or more facilities specified in paragraph (2) or other  
8 pollution sources exist, but one of the following conditions applies:

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

13 (ii) Corrective measures required under an existing order by  
14 another agency having jurisdiction over the facilities or other  
15 pollution sources will, before the school is occupied, result in the  
16 mitigation of all chronic or accidental hazardous air emissions to  
17 levels that do not constitute an actual or potential endangerment  
18 of public health to persons who would attend or be employed at  
19 the proposed school. If the city or county makes a finding pursuant  
20 to this clause, it shall also make a subsequent finding, before  
21 occupancy of the school, that the emissions have been so mitigated.

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

30 (C) One or more facilities specified in paragraph (2) or other  
31 pollution sources exist, but conditions in clause (i), (ii), or (iii) of  
32 subparagraph (B) cannot be met, and the private school is unable  
33 to locate an alternative site that is suitable due to a severe shortage  
34 of sites that meet the requirements in this section.

35 SEC. 3. Section 21151.8 of the Public Resources Code is  
36 amended to read:

37 21151.8. (a) An environmental impact report shall not be  
38 certified or a negative declaration shall not be approved for a  
39 project involving the purchase of a schoolsite or the construction



1 of a new elementary or secondary school by a school district *or a*  
2 *charter school* unless all of the following occur:

3 (1) The environmental impact report or negative declaration  
4 includes information that is needed to determine if the property  
5 proposed to be purchased, or to be constructed upon, is any of the  
6 following:

7 (A) The site of a current or former hazardous waste disposal  
8 site or solid waste disposal site and, if so, whether the wastes have  
9 been removed.

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

15 (C) A site that contains one or more pipelines, situated  
16 underground or aboveground, that carries hazardous substances,  
17 extremely hazardous substances, or hazardous wastes, unless the  
18 pipeline is a natural gas line that is used only to supply natural gas  
19 to that school or neighborhood, or other nearby schools.

20 (D) A site that is within 500 feet of the edge of the closest traffic  
21 lane of a freeway or other busy traffic corridor.

22 (2) (A) The school district, as the lead agency, *or the charter*  
23 *school* in preparing the environmental impact report or negative  
24 declaration has notified in writing and consulted with the  
25 administering agency in which the proposed schoolsite is located,  
26 pursuant to Section 2735.3 of Title 19 of the California Code of  
27 Regulations, and with any air pollution control district or air quality  
28 management district having jurisdiction in the area, to identify  
29 both permitted and nonpermitted facilities within that district's  
30 authority, including, but not limited to, freeways and busy traffic  
31 corridors, large agricultural operations, and railyards, within  
32 one-fourth of a mile of the proposed schoolsite, that might  
33 reasonably be anticipated to emit hazardous emissions or handle  
34 hazardous or extremely hazardous substances or waste. The  
35 notification by the school district, as the lead agency, *or the charter*  
36 *school* shall include a list of the locations for which information  
37 is sought.

38 (B) Each administering agency, air pollution control district, or  
39 air quality management district receiving written notification from  
40 a lead agency to identify facilities pursuant to subparagraph (A)

1 shall provide the requested information and provide a written  
2 response to the lead agency within 30 days of receiving the  
3 notification. The environmental impact report or negative  
4 declaration shall be conclusively presumed to comply with  
5 subparagraph (A) as to the area of responsibility of an agency that  
6 does not respond within 30 days.

7 (C) If the school district, as a lead agency, *or the charter school*  
8 has carried out the consultation required by subparagraph (A), the  
9 environmental impact report or the negative declaration shall be  
10 conclusively presumed to comply with subparagraph (A),  
11 notwithstanding any failure of the consultation to identify an  
12 existing facility or other pollution source specified in subparagraph  
13 (A).

14 (3) The governing board of the school district *or, for a charter*  
15 *school, the city or county* makes one of the following written  
16 findings:

17 (A) Consultation identified no facilities of this type or other  
18 significant pollution sources specified in paragraph (2).

19 (B) The facilities or other pollution sources specified in  
20 paragraph (2) exist, but one of the following conditions applies:

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

25 (ii) Corrective measures required under an existing order by  
26 another agency having jurisdiction over the facilities or other  
27 pollution sources will, before the school is occupied, result in the  
28 mitigation of all chronic or accidental hazardous air emissions to  
29 levels that do not constitute an actual or potential endangerment  
30 of public health to persons who would attend or be employed at  
31 the proposed school. If the governing board *or, for a charter*  
32 *school, the city or county*, makes a finding pursuant to this clause,  
33 it shall also make a subsequent finding, ~~prior to~~ *before* occupancy  
34 of the school, that the emissions have been so mitigated.

35 (iii) For a schoolsite with a boundary that is within 500 feet of  
36 the edge of the closest traffic lane of a freeway or other busy traffic  
37 corridor, the governing board of the school district *or, for a charter*  
38 *school, the city or county*, determines, through analysis pursuant  
39 to paragraph (2) of subdivision (b) of Section 44360 of the Health  
40 and Safety Code, based on appropriate air dispersion modeling,

1 and after considering any potential mitigation measures, that the  
2 air quality at the proposed site is such that neither short-term nor  
3 long-term exposure poses significant health risks to pupils.

4 (C) The facilities or other pollution sources specified in  
5 paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of  
6 subparagraph (B) cannot be met, and the school district *or charter*  
7 *school* is unable to locate an alternative site that is suitable due to  
8 a severe shortage of sites that meet the requirements in subdivision  
9 (a) of Section 17213 of the Education Code. If the governing board  
10 *or, for a charter school, the city or county*, makes this finding, the  
11 governing board *or charter school* shall adopt a statement of  
12 overriding considerations pursuant to Section 15093 of Title 14  
13 of the California Code of Regulations.

14 (b) ~~As used in~~ *For purposes of this section*, the following  
15 definitions ~~shall~~ apply:

16 (1) “Administering agency” means an agency authorized  
17 pursuant to Section 25502 of the Health and Safety Code to  
18 implement and enforce Chapter 6.95 (commencing with Section  
19 25500) of Division 20 of the Health and Safety Code.

20 (2) “Extremely hazardous substances” means an extremely  
21 hazardous substance as defined pursuant to paragraph (2) of  
22 subdivision (j) of Section 25532 of the Health and Safety Code.

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

29 (4) “Freeway or other busy traffic corridor” means those  
30 roadways that, on an average day, have traffic in excess of 50,000  
31 vehicles in a rural area, as defined in Section 50101 of the Health  
32 and Safety Code, and 100,000 vehicles in an urban area, as defined  
33 in Section 50104.7 of the Health and Safety Code.

34 (5) “Handle” means handle as defined in Article 1 (commencing  
35 with Section 25500) of Chapter 6.95 of Division 20 of the Health  
36 and Safety Code.

37 (6) “Hazardous air emissions” means emissions into the ambient  
38 air of air contaminants that have been identified as a toxic air  
39 contaminant by the State Air Resources Board or by the air  
40 pollution control officer for the jurisdiction in which the project

1 *is located. As determined by the air pollution control officer,*  
2 *hazardous air emissions also means emissions into the ambient*  
3 *air from any substances identified in subdivisions (a) to (f),*  
4 *inclusive, of Section 44321 of the Health and Safety Code.*

5 (1)

6 (7) “Hazardous substance” means ~~any~~ a substance defined in  
7 Section 25316 of the Health and Safety Code.

8 (2) “Extremely hazardous substances” means ~~an extremely~~  
9 ~~hazardous substance as defined pursuant to paragraph (2) of~~  
10 ~~subdivision (g) of Section 25532 of the Health and Safety Code.~~

11 (3)

12 (8) “Hazardous waste” means ~~any~~ a waste defined in Section  
13 25117 of the Health and Safety Code.

14 (4)

15 (9) “Hazardous waste disposal site” means ~~any~~ a site defined  
16 in Section 25114 of the Health and Safety Code.

17 (5) “Hazardous air emissions” means ~~emissions into the ambient~~  
18 ~~air of air contaminants that have been identified as a toxic air~~  
19 ~~contaminant by the State Air Resources Board or by the air~~  
20 ~~pollution control officer for the jurisdiction in which the project~~  
21 ~~is located. As determined by the air pollution control officer,~~  
22 ~~hazardous air emissions also means emissions into the ambient air~~  
23 ~~from any substances identified in subdivisions (a) to (f), inclusive,~~  
24 ~~of Section 44321 of the Health and Safety Code.~~

25 (6) “Administering agency” means ~~an agency authorized~~  
26 ~~pursuant to Section 25502 of the Health and Safety Code to~~  
27 ~~implement and enforce Chapter 6.95 (commencing with Section~~  
28 ~~25500) of Division 20 of the Health and Safety Code.~~

29 (7) “Handle” means ~~handle as defined in Article 1 (commencing~~  
30 ~~with Section 25500) of Chapter 6.95 of Division 20 of the Health~~  
31 ~~and Safety Code.~~

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

38 (9) “Freeway or other busy traffic corridors” means ~~those~~  
39 ~~roadways that, on an average day, have traffic in excess of 50,000~~  
40 ~~vehicles in a rural area, as defined in Section 50101 of the Health~~

1 and Safety Code, and 100,000 vehicles in an urban area, as defined  
2 in Section 50104.7 of the Health and Safety Code.

3 SEC. 4. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution for certain  
5 costs that may be incurred by a local agency or school district  
6 because, in that regard, this act creates a new crime or infraction,  
7 eliminates a crime or infraction, or changes the penalty for a crime  
8 or infraction, within the meaning of Section 17556 of the  
9 Government Code, or changes the definition of a crime within the  
10 meaning of Section 6 of Article XIII B of the California  
11 Constitution.

12 However, if the Commission on State Mandates determines that  
13 this act contains other costs mandated by the state, reimbursement  
14 to local agencies and school districts for those costs shall be made  
15 pursuant to Part 7 (commencing with Section 17500) of Division  
16 4 of Title 2 of the Government Code.



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April 14, 2020

The Honorable Patrick O'Donnell, Chair  
Assembly Education Committee  
1020 N Street, Room 159  
Sacramento, CA 95814

**RE: AB 2882 (Chu) – Ensuring Health and Safety of Schools –  
Support**

Dear Chair O'Donnell:

On behalf of the California Air Pollution Control Officers Association (CAPCOA), the non-profit association of the air pollution control officers representing the 35 local air quality districts throughout California, I write to express our support of Assembly Bill 2882 (AB 2882), which would ensure the public health and safety of all students and school employees in California.

Existing law requires public schools to meet certain requirements before approving and building a new school, such as consulting with their local air pollution control district or air quality management district to identify sources of air pollution. This consultation includes an analysis of toxic air contaminants that may affect the health of the children and employees of the proposed school. These requirements also include that the school district's governing board determines that the property is not a current or former hazardous waste or solid waste disposal site, a hazardous substance release site identified by the Department of Toxic Substances Control, or a site that contains one or more pipelines that carries hazardous substances. This ensures that the school district, its employees, and parents are aware of local sources of pollution and provides an early opportunity to mitigate its effects as the school is constructed. Unfortunately, these requirements currently only apply to public schools and not to private and some public charter schools, resulting in cases where schools have been built in locations near sources of pollution,

April 14, 2020

unbeknownst to the children and their parents. We believe that regardless of whether students and school employees attend public or private institutions, it is imperative that their health and safety is protected to the maximum extent possible.

CAPCOA is dedicated to improving public health and providing clean air for all our residents and in order to ensure the public health and safety of all students and school employees in California, the potential location for a new private school or charter school needs to be properly evaluated. AB 2882 will achieve this by requiring that private schools and charter schools meet the same siting requirements as public schools. CAPCOA appreciates the opportunity to submit our comments on this important piece of legislation and urge you to support AB 2882. Should you have any questions, please do not hesitate to contact me at [wnastri@aqmd.gov](mailto:wnastri@aqmd.gov) or (909) 396-3131.

Sincerely,



Wayne Nastri  
President

CC: The Honorable Kansen Chu, Assembly Member, 25th District  
The Honorable Cristina Garcia, Assembly Member, 58th District  
Members of Assembly Education Committee



Assemblymember Rebecca Bauer-Kahan  
 AB 3211 – Toxic Air Contaminants  
 Fact Sheet

**Summary**

AB 3211 expands current statewide air pollution control district (APCD) and air quality management district (AQMD) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

**Background**

Traditional regulatory authority related to air quality gives local APCDs and AQMDs authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local APCDs and AQMDs have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that improvements are not uniform throughout the state, and that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM2.5).

**Problem**

Existing law does not provide local APCDs and AQMDs indirect source authority to determine and reduce health risks associated with toxic air contaminants, like diesel particulate matter, and the impacts of other air pollutants, such as fine particulate matter.

People who live near indirect sources that attract truck traffic and other mobile sources that emit fine particulate and other pollutants are at high risk for exposure to these health-threatening air pollutants emitted by these medium- and heavy-duty vehicles; further, communities near freeways and busy roadways have compounded health impacts due to near-constant exposure to air pollutants.

**What this bill does**

The proposed amendments to HSC 40716 would allow (but not require) APCDs and AQMDs to adopt local rules accomplishing these 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Adds data collection authority to actions that air districts can take under a local indirect source rule.





Assemblymember Rebecca Bauer-Kahan  
AB 3211 – Toxic Air Contaminants  
Fact Sheet

These three things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts, providing a platform to create future local and state policy to address these impacts.

**Support**

Bay Area Air Quality Management District

**Contact**

Brandon M. Bratcher  
Legislative Assistant  
916-319-2016  
[Brandon.Bratcher@asm.ca.gov](mailto:Brandon.Bratcher@asm.ca.gov)

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

**ASSEMBLY BILL****No. 3211****Introduced by Assembly Members Bauer-Kahan and Bonta**

February 21, 2020

An act to amend Section 40716 of the Health and Safety Code, relating to stationary air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

AB 3211, as introduced, Bauer-Kahan. Toxic air contaminants.

Existing law authorizes local air pollution control districts and air quality management districts, in carrying out their responsibilities with respect to the attainment of state ambient air quality standards, to adopt and implement regulations that accomplish certain objectives.

This bill would additionally authorize the districts to adopt and implement regulations to require data regarding air pollution within the district's jurisdiction from areawide stationary sources of air pollution, including mobile sources drawn by those stationary sources, to enable the calculation of health risks from toxic air contaminants. This bill would additionally authorize the districts to adopt and implement regulations to accomplish these objectives in carrying out their responsibilities with respect to the reduction of health risks from toxic air contaminants.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:

1 (a) Existing law imposes various limitations on emissions of  
2 air contaminants for the control of air pollution from vehicular and  
3 nonvehicular sources. Existing law generally designates the State  
4 Air Resources Board as the state agency with the primary  
5 responsibility for the control of vehicular air pollution, and the air  
6 pollution control districts or the air quality management districts  
7 with the primary responsibility for the control of air pollution from  
8 all sources other than vehicular sources, including stationary  
9 sources. Existing law allows air pollution control districts and air  
10 quality management districts to adopt and implement regulations  
11 to reduce or mitigate emissions from indirect and areawide sources  
12 of air pollution to achieve attainment of state ambient air quality  
13 standards.

14 (b) The people of California have a right to know when  
15 industrial or commercial operations result in emission of toxic air  
16 contaminants that may pose a significant health risk to the people  
17 exposed to those emissions.

18 (c) Diesel-fueled trucks are responsible for 33 percent of  
19 statewide oxides of nitrogen emissions annually. These same trucks  
20 emit more particulate matter than all of the state's powerplants.

21 (d) People who live near stationary sources that attract truck  
22 traffic are at high risk for exposure to these health-threatening air  
23 pollutants emitted by these medium- and heavy-duty vehicles, and  
24 communities near freeways and busy roadways have compounded  
25 health risk due to near-constant exposure to criteria air pollutants.

26 (e) In 1998, the State Air Resources Board identified diesel  
27 particulate matter as a toxic air contaminant based on published  
28 evidence of a relationship between diesel exhaust exposure and  
29 lung cancer.

30 (f) Diesel particulate matter also contributes to noncancer health  
31 effects, such as premature death, hospitalizations, and emergency  
32 department visits for exacerbated chronic heart and lung diseases,  
33 including asthma, increased respiratory symptoms, and decreased  
34 lung function in children.

35 (g) Children are particularly vulnerable to the negative effect  
36 of diesel particulate matter because they have higher respiratory  
37 rates than adults and this can increase their exposure to air  
38 pollutants relative to their body weight.

1 (h) Increased respiratory symptoms, such as coughing, wheezing,  
2 runny nose, and doctor-diagnosed asthma, have been linked to  
3 traffic exposure.

4 (i) Reducing emissions of these pollutants can have an  
5 immediate beneficial impact on air quality and public health.

6 (j) Existing law does not provide local air pollution control  
7 districts and air quality management districts sufficient data  
8 collection and enforcement authority to reduce health risks  
9 associated with toxic air contaminants, such as diesel particulate  
10 matter. This authority would also allow air pollution control  
11 districts and air quality management districts to adopt and  
12 implement regulations requiring local and areawide stationary  
13 sources to provide data on vehicular traffic drawn by stationary  
14 sources and other operational data to better calculate local health  
15 risks created by the stationary sources.

16 (k) The state should therefore move swiftly to provide this  
17 authority to local air pollution control districts and air quality  
18 management districts to encourage air districts to provide incentives  
19 to stationary sources to transition to cleaner vehicle fleets, change  
20 operations, or take other actions that would reduce the health risk  
21 to residents from toxic air contaminants.

22 SEC. 2. Section 40716 of the Health and Safety Code is  
23 amended to read:

24 40716. (a) In carrying out its responsibilities pursuant to this  
25 division with respect to the attainment of state ambient air quality  
26 ~~standards~~, *standards or the reduction of health risks from toxic air*  
27 *contaminants*, a district may adopt and implement regulations to  
28 accomplish ~~both~~ *any* of the following:

29 (1) Reduce or mitigate emissions from *new and existing* indirect  
30 and areawide sources of air pollution.

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

33 (3) *Require data regarding air pollution within the district's*  
34 *jurisdiction from new and existing areawide stationary sources of*  
35 *air pollution, including mobile sources drawn by those stationary*  
36 *sources, to enable the calculation of health risks from toxic air*  
37 *contaminants.*

38 (b) Nothing in this section constitutes an infringement on the  
39 existing authority of counties and cities to plan or control land use,

- 1 and nothing in this section provides or transfers new authority over
- 2 such land use to a district.

O



April 13, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

**Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman,

On behalf of **350 Bay Area Action**, I write to you to express our strong support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants, as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

350 Bay Area gets policies passed that reduce toxic and climate-harming emissions. This is core to our mission, which is to eliminate carbon pollution and build a sustainable and socially equitable future, including a just transition to a clean energy economy. We are achieving this by building the grassroots climate movement in the Bay Area and beyond, and combining that work with policy expertise to provide leveraged pressure at the state, agency and local levels.

We are working hard to protect communities from the well-documented and devastating health impacts caused by the air pollution. AB 3211 directly furthers this mission by increasing regulatory oversight of fine particulate matter (PM<sub>2.5</sub>), the deadliest air pollution our communities face. Local Air Districts are in the best position to regulate PM<sub>2.5</sub> pollution from so-called “magnet sources,” which currently fall into a gap in the state air quality regulatory framework. We are particularly concerned that the people who live or work in or near these sources, who are subjected to high levels of PM pollution, are also disproportionately low-income and of color.

New studies show staggering increases in COVID-19 mortality from increased exposure to PM, suggesting that frontline communities heavily impacted by this environmental injustice are likely to experience much higher death rates from the pandemic. These disproportionate health impacts from PM emissions are not accounted for in standard cost-benefit analyses, so we must aggressively pursue all feasible methods to lower them. For that reason, we and our 17,000 members support AB 3211.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources,” facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources,” such as cars, trucks, and buses. “Indirect sources,” facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers, are under limited local air district authority depending on attainment of state ozone or PM<sub>10</sub> health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM<sub>2.5</sub>). Existing law, however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air

contaminants such as diesel particulate matter, although people who live near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules to accomplish the following:

1. Add air toxics to the pollutants covered under potential local air districts' indirect source rules;
2. Clarify that air district indirect source authority can include both new sources as well as existing sources; and
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These three aspects of rulemaking authority would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and, by working with communities, will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and urge you to support AB 3211 when it comes before you for consideration. For more information about 350 Bay Area Action's support of AB 3211, please contact Ben Keller at [benkeller@sonic.net](mailto:benkeller@sonic.net) or (401) 378-7523.

Sincerely,



Ben Keller,

On behalf of the 350 Bay Area Action Legislative Committee

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District  
The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District



1028A Howard Street  
San Francisco, CA 94103  
415.252.9700 | [brightlinedefense.org](http://brightlinedefense.org)  
f @brightlinedefense @brightlinedef

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April 7, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

**Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

On behalf of Brightline Defense, I write to you to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

Brightline Defense is a public policy organization committed to empowering communities and promoting sustainable policies that advance environmental justice efforts. Brightline engages communities most in need with air quality monitoring, youth leadership, and job training programs.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local air district authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM2.5). Existing law, however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as



diesel particulate matter, although people who live near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules accomplishing 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and by working with communities will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration.

A handwritten signature in black ink, appearing to read 'Eddie H. Ahn', with a long horizontal flourish extending to the right.

Eddie H. Ahn  
Executive Director

CC: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District  
The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District



## **Citizen Air Monitoring Network – The Power of the Crowd**

2020-04-12

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

### **Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

On behalf of Citizen Air Monitoring Network, I write to you to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

Citizen Air Monitoring Network believes good air quality data is the first-step in improving community health. We have engaged citizens in monitoring the air in our communities. In our work of reducing air pollution in our community, we have run into similar situations as described in AB 3211. We have the Mare Island Drydock in our community which does ship maintenance and repair. We have experienced ships docked to be repaired at the site and spewing out black smoke by burning low-grade fuel. AB3211 will greatly improve the efficiency by the Air District in handle this type of situation. AB 3211 will enable protecting community be done in a more streamlined way than it is done now.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local air district authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM2.5). Existing law however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as diesel particulate matter, although people who live near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules accomplishing 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and by working with communities will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration. For more information about Citizen Air Monitoring Network's support of AB 3211, please contact Ken Szutu, founder, at [KenSzutu@gmail.com](mailto:KenSzutu@gmail.com) or 650-804-9192

Sincerely,

Ken Szutu  
Founder  
Citizen Air Monitoring Network

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District  
The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District



April 6, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

**Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

On behalf of Strategic Energy Innovations (SEI), I write to you to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

SEI currently works with CARB and BAAQMD implementing programming in education and workforce development regarding air quality. We work with student groups and agencies in disadvantaged communities identified in AB617 to decrease air pollution in communities disproportionately affected by poor air quality. This bill will support the important work the AQMDs are already doing in communities to protect from poor air quality.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local air district authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM2.5). Existing law however, does not



899 Northgate Drive, Suite 410  
San Rafael, California 94903  
415.507.2181 [www.seiinc.org](http://www.seiinc.org)

provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as diesel particulate matter, although people who live near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules accomplishing 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and by working with communities will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration. For more information about Strategic Energy Innovations's support of AB 3211, please contact Cyane Dandridge, Executive Director, at [cyane@seiinc.org](mailto:cyane@seiinc.org) or 415-507-2184

Sincerely,

*Cyane Dandridge* \_\_\_\_\_

Executive Director  
Strategic Energy Innovations

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District

The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District



Resisting fossil fuels. Working for climate justice.

April 11, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

**Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

On behalf of the Sunflower Alliance I write to you to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

The Sunflower Alliance has worked in the front-line communities of the Bay Area for many years to protect our health and safety from the emissions and air pollution from the transport, processing and use of fossil fuels and to oppose the expansion of the fossil fuel infrastructure throughout the San Francisco Bay Area. Health studies have consistently shown there is no safe level of particulate matter emissions associated with fossil fuels, and people in communities near such sources have significant health impacts. Our goal is to slow climate catastrophe by stopping the expansion of the fossil fuel industries in our region, to promote environmental justice for frontline communities most directly affected by those industries, and to work for a just transition to a clean energy, sustainable economy.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local air district authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air

contaminants and fine particulate (PM2.5). Existing law however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as diesel particulate matter, although people who live near facilities that attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules accomplishing 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and by working with communities will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration. Especially at this time, doing everything possible to minimize the exposure of front-line communities to toxic air pollution is an essential task for our health and safety. For more information about the Sunflower Alliance's support of AB 3211, please see our website at [Sunflower-Alliance.org](http://Sunflower-Alliance.org) or contact Steven Nadel at [sjnsunflower@comcast.net](mailto:sjnsunflower@comcast.net).

Sincerely,  
For the Sunflower Alliance  
Steven Nadel  
Member

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District  
The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District





April 13, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

**Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

The Tri-Valley Air Quality Community Alliance (TVAQCA)<sup>1</sup> Oversight Committee, would like to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to **indirect sources**.

The bill would allow (but not require) air districts to adopt local rules, accomplishing 3 things:

1. Add toxic air contaminants to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts, and by working with communities will in turn drive solutions to reduce those health impacts.

Based on our air district's (BAAQMD) ozone and PM2.5 measurements, the Tri-Valley cities of Livermore, Pleasanton, Dublin and San Ramon are "impacted communities--those with higher levels of environmental exposures and more significant health burdens compared to the rest of the Bay Area." To address this issue, in March 2020, the District provided TVAQCA with funding under AB 617 Grant No. 2019.328.

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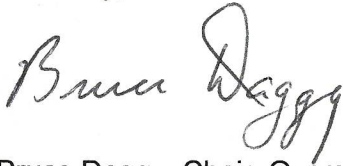
<sup>1</sup>The TVAQCA is part of the Tri-Valley Nonprofit Alliance, PO Box 2467, Livermore, CA 94551; Contact: Kathy Young.



Our Alliance has begun assessing what strategies will significantly reduce our local air quality burden. According to AB 617 guidance, a first step is to develop a community-level emission inventory which includes indirect sources. The District's ability to regulate indirect sources will likely play a key role in the long-term improvement of the air quality in the Tri-Valley. In particular, the Tri-Valley has only a few stationary sources of any potential significance, but several potential indirect sources. The need for this authority expansion has been well demonstrated by our sister organization in West Oakland (West Oakland Environmental Indicators Project), and we anticipate that data collection on these type of sources will be necessary for our project as well. We therefore wish to add our voice in support of AB3211.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration. For more information about Tri-Valley Air Quality Community Alliance's support of AB 3211, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Daggy".

Bruce Daggy, Chair, Oversight Committee  
Tri-Valley Air Quality Community Alliance  
5989 Corte Espada, Pleasanton, CA 94566  
(M) (925) 918-1828  
[bruce.daggy@gmail.com](mailto:bruce.daggy@gmail.com)

With concurrence from TVAQCA Oversight Committee members:

Kim Christensen, Ann Brown, Van Rainey, Jeannie Yeamans, Laurene Green, Ron Baskett

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16th District  
The Honorable Rob Bonta, California State Assemblymember, 18th District

## AGENDA 6L - ATTACHMENT

Veggielution

www.veggielution.org | info@veggielution.org  
647 S King Rd, San Jose, CA 95116 | (408) 753-6705



April 13th, 2020

The Honorable Laura Friedman, Chair  
Assembly Committee on Natural Resources  
State Capitol, Room 2137  
Sacramento, CA 95814

### **Re: Assembly Bill 3211 (Bauer-Kahan) – Toxic Air Contaminants – Support**

Dear Chair Friedman:

On behalf of Veggielution, I write to you to express our support for AB 3211. This bill would expand current statewide air pollution control district and air quality management district (air district) authority related to indirect sources by including toxic air contaminants as well as granting air districts authority to request data from new and existing indirect sources in order to calculate health risk assessments.

Veggielution connects people from diverse backgrounds through food and farming to build community in East San José. Veggielution is passionate about educating youth, our next generation of citizen scientists, about the close relationship between the environment and their local food system. We believe that school field trips are a powerful and engaging tool for exposing youth to these skills, as well as the concepts of environmental justice and civic engagement. We've developed a field trip curriculum component focused on the interrelationship between food production and air pollution.

Traditional regulatory authority related to air quality gives local air districts authority to regulate “stationary sources”, facilities with stationary equipment such as boilers and engines, and the California Air Resources Board the authority to regulate “mobile sources”, such as cars, trucks, and buses. “Indirect sources”, facilities that attract mobile sources and their associated pollution, such as warehouses, distribution centers, ports, shopping centers, and events centers are under limited local air district authority depending on attainment of state ozone or PM10 health standards.

Although the California Air Resources Board and local air districts have made significant improvements in air quality over the years, the Legislature recognized in 2017 through AB 617 (C. Garcia; Chapter 136, Statutes of 2017) that additional effort should be made to work with communities that continue to be overly burdened by air pollution, including toxic air contaminants and fine particulate (PM2.5). Existing law however, does not provide local air districts indirect source authority to determine and reduce health risks associated with toxic air contaminants such as diesel particulate matter, although people who live near facilities that



**Veggielution**

www.veggielution.org | info@veggielution.org  
647 S King Rd, San Jose, CA 95116 | (408) 753-6705

attract truck traffic and other mobile sources emitting these pollutants are at high risk for exposure and may experience compounded health impacts due to near-constant exposure.

This bill would allow (but not require) air districts to adopt local rules accomplishing 3 things:

1. Add air toxics to the pollutants covered under potential local air districts indirect source rules.
2. Clarify that air district indirect source authority can include both new sources as well as existing sources.
3. Add data collection authority to actions that air districts can take under a local indirect source rule.

These 3 things would allow air districts to identify local indirect sources that contribute significantly to negative community health impacts and by working with communities will in turn drive solutions to reduce those health impacts.

We appreciate the opportunity to submit our comments on this important piece of legislation and encourage you to support AB 3211 when it comes before you for consideration. For more information about Veggielution's support of AB 3211, please contact Emily Schwing, Marketing & Impact Manager, at [emily@veggielution.org](mailto:emily@veggielution.org) or 408-438-0243.

Sincerely,

Cayce Hill  
Executive Director  
Veggielution

cc: The Honorable Rebecca Bauer-Kahan, California State Assemblymember, 16<sup>th</sup> District  
The Honorable Rob Bonta, California State Assemblymember, 18<sup>th</sup> District

**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: April 15, 2020

Re: Consideration of New Bills

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RECOMMENDED ACTION

The Legislative Committee (Committee) will discuss and review bills and take positions where appropriate. The Committee will also hear an update on further staff discussions regarding Senate Bill (SB) 802 (Glazer) and SB 1099 (Dodd) related to emergency backup generators.

DISCUSSION

Staff will provide the Committee a brief summary and status of priority bills on the attached list.

Staff will review other bills that may be of interest to the Committee.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 7A: SB 802 – Fact Sheet  
Attachment 7B: SB 802 – Bill Language  
Attachment 7C: SB 1099 – Fact Sheet  
Attachment 7D: SB 1099 – Bill Language  
Attachment 7E: Current Bills of Interest Matrix



## SB 802— Health Facilities: Emergency Backup Generators

**Summary:**

This bill would allow health facilities to operate emergency backup generators during public safety power shutoffs (PSPS) without having that usage count towards time limitations established by air districts.

**Issue:**

Nearly 250 hospitals were impacted by fires and power outages during the 2019 fire season.<sup>1</sup> It was thanks to back-up electrical generators that many of these hospitals were able to remain open. Though some elective surgeries and appointments were rescheduled, the day-to-day functions at most hospitals remained normal.

Health facilities are important resources to communities during PSPS events. Whether providing emergency medical care, support or serving as a meeting place for affected members of the community to charge their phones, it is important that these facilities have power in order to remain open to serve their community.

Currently, local air management districts determine the number of hours that health facilities and other service providers may use emergency electric generators without facing penalties or fines. Given the services that health facilities provide to their communities during PSPS events, it is important that they are not forced to consider closing.

By clarifying that the hours of emergency electric generator use during a PSPS event do not count towards total hours a health facility may use an emergency electric generator before being penalized, this bill ensures hospitals will remain open during these events to serve the community as needed.

**Existing Law:**

Existing law provides that electric corporations have procedures and protocols in place to mitigate the public safety and public health impacts of deenergization events. In addition, under state and federal law, hospitals are required to have emergency electrical generators on site.

Existing law also provides that air quality management districts are responsible for controlling air pollution from all sources other than vehicular sources. Local air quality management districts issue permits to hospitals, allowing hospitals to run these generators for a certain number of hours each year before facing penalties.

No existing law that clarifies that hospitals are permitted to use emergency backup generators during public safety power shutoffs without it counting towards their annual hours.

**Proposal:**

This bill would provide that the number of hours that health facilities use emergency electric generators during a public safety power shutoff would not count towards their total hours of use permitted by the local air quality management district and clarify that health facilities will not be fined or penalized for those hours of use.

Under this bill, electric corporations would be required to report data on deenergization events throughout the year to local air quality management districts.

**Contact:**

Policy: McKinley Thompson-Morley, Leg Aide  
916.651.4007 or [mckinley.thompson-morley@sen.ca.gov](mailto:mckinley.thompson-morley@sen.ca.gov)

<sup>1</sup> <https://www.modernhealthcare.com/providers/california-hospitals-rely-generators-during-pge-power-outages>

**SENATE BILL****No. 802**

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**Introduced by Senator Glazer**

(Principal coauthor: Assembly Member Bauer-Kahan)

**(Coauthors: Senators Dodd, Hill, Nielsen, and Wilk)**January 7, 2020

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An act to add Article 9.3 (commencing with Section 42000) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to amend Section 8385 of, and to add Section 8386.7 to, the Public Utilities Code, relating to nonvehicular air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Glazer. Emergency backup generators: health facilities: permit operating condition exclusion.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would require an air district to adopt a rule or revise its existing rules, consistent with federal law, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit. By requiring air

districts to adopt or revise its rules, the bill would impose a state-mandated local program.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Electrical cooperatives are subject to the regulatory authority of the commission, except as specified. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plans. Existing law requires each local publicly owned electric utility and electrical cooperative to annually prepare a wildfire mitigation plan and to verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate. Existing law requires a wildfire mitigation plan of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communications infrastructure. Existing law requires a wildfire mitigation plan of an electrical corporation to also include appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires these procedures to consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of a potential deenergization event. Existing law requires that an electrical cooperative and a local publicly owned electric utility consider these matters when developing and implementing a wildfire mitigation plan.

If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, this bill would require the electrical corporation, electrical cooperative, or local publicly owned electric utility, by January 30 of the following calendar year, to submit a report with specified information to each air quality management district and air pollution control district affected by the deenergization event.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because this bill would require action by the commission to implement its requirements, and a violation of that action would be a crime, the

bill would impose a state-mandated local program by creating a new crime. By requiring local publicly owned electric utilities to report matters to air quality management districts and air pollution control districts the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. Article 9.3 (commencing with Section 42000) is  
2 added to Chapter 3 of Part 4 of Division 26 of the Health and Safety  
3 Code, to read:

4  
5 Article 9.3. Emergency Backup Generators  
6

7 42000. For purposes of this article, the following terms apply:  
8 (a) “Deenergization event” means the proactive interruption of  
9 electrical service for the purpose of mitigating or avoiding the risk  
10 of causing a wildfire.

11 (b) “Electrical corporation” has the same meaning as defined  
12 in Section 218 of the Public Utilities Code.

13 (c) “Emergency backup generator” means a device used for the  
14 generation of electricity for emergency use that is subject to the  
15 State Air Resources Board’s Airborne Toxic Control Measure for  
16 Stationary Compression Ignition Engines (Section 93115.1 of Title  
17 17 of the California Code of Regulations, and following). For these  
18 purposes, “emergency use” has the same meaning as defined in  
19 Section 93115.4 of Title 17 of the California Code of Regulations.

20 (d) “Health facility” has the same meaning as defined in Section  
21 1250.



1 (e) “Local publicly owned electric utility” has the same meaning  
2 as defined in Section 224.3 of the Public Utilities Code.

3 (f) “Permit” means a permit issued by the district pursuant to  
4 Article 1 (commencing with Section 42300) of Chapter 4.

5 42001. Consistent with federal law, a district shall adopt a rule,  
6 or revise its existing rules, to allow a health facility that has  
7 received a permit from the district to construct and operate an  
8 emergency backup generator to use that emergency backup  
9 generator during a deenergization event without having that usage  
10 count toward any time limitation on actual usage and routine testing  
11 and maintenance included as a condition for issuance of that permit.  
12 For a health facility that receives notice of a planned deenergization  
13 event, whether made specifically to the facility or made generally  
14 to the public, the period of permissable use exempt from the time  
15 limitation on actual usage shall encompass the period commencing  
16 when the health facility is notified that the deenergization will or  
17 will likely commence, and concluding when the health facility  
18 receives notification, whether specific or general, that reliable  
19 electrical service has been restored.

20 SEC. 2. Section 8385 of the Public Utilities Code is amended  
21 to read:

22 8385. (a) For purposes of this chapter, the following shall  
23 apply:

24 (1) “Compliance period” means a period of approximately one  
25 year.

26 (2) “*Deenergization event*” means the proactive interruption  
27 of electrical service for the purpose of mitigating or avoiding the  
28 risk of causing a wildfire.

29 ~~(2)~~

30 (3) “Electrical cooperative” has the same meaning as defined  
31 in Section 2776.

32 (b) The commission shall supervise an electrical corporation’s  
33 compliance with the requirements of this chapter pursuant to the  
34 Public Utilities Act (Part 1 (commencing with Section 201) of  
35 Division 1). Nothing in this chapter affects the commission’s  
36 authority or jurisdiction over an electrical cooperative or local  
37 publicly owned ~~electrical corporation~~ *electric utility*.

38 SEC. 3. Section 8386.7 is added to the Public Utilities Code,  
39 to read:

1 8386.7. If an electrical corporation, electrical cooperative, or  
2 local publicly owned electric utility has undertaken a  
3 deenergization event during a calendar year, the electrical utility  
4 shall submit a report, by January 30 of the following calendar year,  
5 to each air quality management district and air pollution control  
6 district affected by the deenergization event that includes all of  
7 the following:

8 (a) A description of the area affected by the deenergization  
9 event.

10 (b) A description of when the deenergization event began and  
11 when reliable electrical service was restored.

12 (c) A description of any notifications specifically provided to  
13 health care facilities that they would or would likely be affected  
14 by a deenergizing of electrical lines and when the deenergization  
15 event would likely begin or, absent specific notification, any  
16 notifications made generally to the public of when the  
17 deenergization event would or would likely commence.

18 (d) A description of any notifications specifically provided to  
19 health care facilities that reliable electrical service has been restored  
20 or, absent specific notification, any notifications made generally  
21 to the public that reliable electrical service has been restored.

22 SEC. 4. No reimbursement is required by this act pursuant to  
23 Section 6 of Article XIII B of the California Constitution for certain  
24 mandates because a local agency or school district has the authority  
25 to levy service charges, fees, or assessments sufficient to pay for  
26 the program or level of service mandated by this act or because  
27 costs that may be incurred by a local agency or school district will  
28 be incurred because this act creates a new crime or infraction,  
29 eliminates a crime or infraction, or changes the penalty for a crime  
30 or infraction, within the meaning of Section 17556 of the  
31 Government Code, or changes the definition of a crime within the  
32 meaning of Section 6 of Article XIII B of the California  
33 Constitution.

34 With respect to other mandates, if the Commission on State  
35 Mandates determines that this act contains costs mandated by the  
36 state, reimbursement to local agencies and school districts for those  
37 costs shall be made pursuant to Part 7 (commencing with Section  
38 17500) of Division 4 of Title 2 of the Government Code.

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## SB 1099 – DODD

### BACKUP GENERATION – CRITICAL FACILITIES – AIR QUALITY

#### Summary

SB 1099 would allow critical facilities, including water and wastewater agencies, to operate existing emergency backup generators during Public Safety Power Shutoffs (PSPS) or other losses of power without being out of compliance or subject to penalties from local air districts. This flexibility would ensure water continues to flow and wastewater continues to be treated during power outages, protecting public health and safety.

#### Background

Reliable backup power is critical for the protection of life and property during emergencies, including PSPS. For example, water and wastewater agencies need reliable power to support essential operations including maintaining pressure in their systems for water quality and fire flows. When electricity is not available due to a PSPS or another emergency loss of power such as a wildfire, water and wastewater agencies must employ their emergency standby generators.

#### Existing Law

Existing air quality regulations restrict the testing, use and operation of some standby generators during an emergency. In the South Coast Air Quality Management District, owners/operators of these generators are

limited to a runtime of 200 hours per year for emergencies and the Air Resources Board limits annual maintenance and testing for certain generators to 20 hours pursuant to the Airborne Toxics Control Measure (ATCM). These testing and maintenance restrictions conflict with national standards.

#### This Bill

SB 1099 directs local air districts to adopt a rule, or revise existing rules, to allow critical facilities with a permitted emergency backup generator to continue to provide essential public services during a power outage without those hours counting toward the limits. Specifically, SB 1099 allows critical facilities to do the following:

- operate the generator during a PSPS or other emergency loss of power
- test or maintain the generator in accordance with NFPA Standard 110 or relevant best management practices

#### Support

California Municipal Utilities Association  
Las Virgenes Municipal Water District  
Regional Council of Rural Counties (RCRC)

#### Contact

Heather Hopkins,  
heather.hopkins@sen.ca.gov

**SENATE BILL****No. 1099**

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**Introduced by Senator Dodd**February 19, 2020

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An act to add Article 9.5 (commencing with Section 42010) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as introduced, Dodd. Emergency backup generators: critical facilities: exemption.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill, consistent with federal law, would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators. By requiring air districts to adopt a new permitting program for those critical facility emergency backup

generators, the bill would impose a state-mandated local program. The bill also would define certain terms for purposes of these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Catastrophic wildfires and other natural disasters are  
4 increasing in frequency and intensity due to climate change and  
5 other factors.

6 (b) Wildfires dramatically increase carbon emissions and work  
7 against the state’s goals to reduce greenhouse gas emissions and  
8 achieve a carbon-neutral future.

9 (c) Wildfires and other natural disasters also can cause  
10 significant impacts and a threat to the state’s water and wastewater  
11 facilities, which are critical to ensuring a safe and reliable water  
12 supply for people, businesses, agriculture, and the environment.

13 (d) To help mitigate the risks of wildfires, investor-owned  
14 utilities have initiated public safety power shutoffs to deenergize  
15 parts of their distribution systems, and, in some cases, portions of  
16 the transmission system, actions that reduce or eliminate access  
17 to a reliable power supply for the state’s water agencies as they  
18 count on a reliable source of electricity to move and deliver water.

19 (e) Actions need to be taken to reduce the impacts of  
20 deenergization wildfires, and other events on critical facilities,  
21 including increasing access to alternative power sources that can  
22 help support a safe and reliable water supply and maintain the  
23 state’s ability to effectively respond to wildfires.

24 SEC. 2. Article 9.5 (commencing with Section 42010) is added  
25 to Chapter 3 of Part 4 of Division 26 of the Health and Safety  
26 Code, to read:

1 Article 9.5. Emergency Backup Generators

2  
3 42010. For purposes of this article, the following terms apply:

4 (a) “Critical facility” means a facility necessary or convenient  
5 in providing essential public services, including, but not limited  
6 to, facilities such as police stations, fire stations, emergency  
7 operations centers, water and wastewater facilities, incident  
8 command posts, and communication systems used to support  
9 essential public services.

10 (b) “Deenergization event” means the interruption of power due  
11 to a public safety power shutoff.

12 (c) “Emergency backup generator” means an internal  
13 combustion engine greater than 50 brake horsepower and gas  
14 turbines greater than 2,975,000 British thermal units per hour for  
15 nonutility power generation that does not operate more than 200  
16 hours per year and is only operated in the event of an emergency  
17 power failure or for routine testing and maintenance.

18 (d) “Loss of power” means a failure in an electric generation,  
19 distribution, and transmission system or a disruption to electrical  
20 power from an electricity provider due to an emergency event,  
21 including a wildfire.

22 (e) “Public safety power shutoff” means a preventative measure  
23 to deenergize all, or a portion of, an electric generation,  
24 distribution, or transmission system when the electricity provider  
25 reasonably believes there is an imminent and significant risk that  
26 strong winds, or other extreme and potentially dangerous weather  
27 events, increase the probability of a wildfire.

28 (f) “Water and wastewater facilities” includes drinking water  
29 and wastewater treatment plants, pumping stations, storage  
30 facilities, and water facilities needed to maintain water service and  
31 the water pressure necessary for firefighting.

32 42012. (a) Consistent with federal law, a district shall adopt  
33 a rule, or revise its existing rules, to allow critical facilities with a  
34 permitted emergency backup generator to do any of the following  
35 with that emergency backup generator without having it count  
36 toward that permitted emergency backup generator’s time  
37 limitation on actual usage and routine testing and maintenance:

38 (1) Use the emergency backup generator during a deenergization  
39 event or other loss of power.

1 (2) Test or maintain the emergency backup generator for  
2 consistency with any of the following:

3 (A) The National Fire Protection Association Standard 110 for  
4 Emergency and Standby Power Systems, or its successor.

5 (B) Industry best practices

6 (C) Recommendations by the manufacturer of the emergency  
7 backup generator.

8 (b) A district shall not impose a fee on the issuance or renewal  
9 of a permit issued for an emergency backup generator described  
10 in subdivision (a).

11 SEC. 3. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 126	Cooper	Air Quality Improvement Program: Clean Vehicle Rebate Project.	Senate - Transportation			LOW	
AB 291	Chu	Local Emergency Preparedness and Hazard Mitigation Fund.	Senate - Pending Referral			LOW	
AB 345	Muratsuchi	Natural resources: environmental justice: oil and gas: regulation of operations.	Senate - Pending Referral			LOW	
AB 352	Garcia, Eduardo	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	Senate - Environmental Quality			MEDIUM	
AB 409	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	Senate - Appropriations			LOW	
AB 464	C. Garcia	California Global Warming Solutions Act of 2006.	Senate - Pending Referral			LOW	
AB 839	Mullin	Climate adaptation strategy: strategic resiliency framework: Resiliency through Adaptation, Economic Vitality, and Equity Account.	Senate - Appropriations			LOW	
AB 1002	Quirk-Silva	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations: Greenhouse Gas Reduction Fund.	Senate - Rules			LOW	
AB 1071	Limón	Climate change: agriculture: Agricultural Climate Adaptation Tools Program: grants.	Senate - Pending Referral			LOW	
AB 1112	Friedman	Shared mobility devices: local regulation.	Senate - Transportation			LOW	
AB 1142	Friedman	Regional transportation plans: transportation network companies.	Senate - Appropriations			LOW	
AB 1276	Bonta	Local redistricting.	Senate - Pending Referral			LOW	
AB 1350	Gonzalez	Free youth transit passes: eligibility for state funding.	Senate - Pending Referral			LOW	
AB 1406	O'Donnell	Alternative and Renewable Fuel and Vehicle Technology Program.	Senate - Appropriations			LOW	
AB 1424	Berman	Electric Vehicle Charging Stations Open Access Act.	Senate - Appropriations			LOW	
AB 1441	Levine	Oil and gas: development.	Senate - Pending Referral			LOW	
AB 1567	Aguiar-Curry	Organic waste: scoping plan.	Senate - Pending Referral			LOW	
AB 1714	Aguiar-Curry	Emissions limitations: wine fermentation.	Senate - Environmental Quality		Oppose	HIGH	
AB 1839	Bonta	Climate change: California Green New Deal.	Assembly - Pending Referral			MEDIUM	
AB 1915	Chu	Electrical corporations: deenergization events.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 1917	Ting	Budget Act of 2020.	Assembly - Budget			HIGH	
AB 1920	Boerner Horvath	Climate change: California Climate Adaptation Center and Regional Support Network.	Assembly - Pending Referral	Intent Bill		LOW	
AB 1922	Rivas, Luz	Pupil instruction: science requirements: climate change.	Assembly - Education			LOW	
AB 1942	Gallagher	Forestry and fire protection: reduction of emissions of greenhouse gases.	Assembly - Natural Resources			LOW	
AB 1972	Voepel	<del>Vehicular air pollution.</del>	<del>Assembly - Transportation</del>		Propose Oppose	HIGH	
AB 1991	Friedman	Transit and Intercity Rail Capital Program: passenger tramways.	Assembly - Transportation			LOW	
AB 1992	Friedman	Transportation: transportation infrastructure: climate change.	Assembly - Transportation	Intent Bill		LOW	
AB 2031	Rivas, Luz	School Pavement to Parks Grant Program.	Assembly - Education			LOW	
AB 2057	Chiu	San Francisco Bay area: public transportation.	Assembly - Pending Referral			MEDIUM	



BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 2089	Rivas, Luz	Resilient Economies and Community Health Pilot Program.	Assembly - Natural Resources			MEDIUM	
AB 2145	Ting	Transportation electrification: vehicle charging stations.	Assembly - Pending Referral	Intent Bill		MEDIUM	
AB 2148	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	Assembly - Natural Resources			LOW	
AB 2162	O'Donnell	<del>School facilities: indoor air quality.</del>	<del>Assembly - Education</del>			MEDIUM	
AB 2168	McCarty	Planning and zoning: electric vehicle charging stations: permit application: approval.	Assembly - Local Government			LOW	
AB 2178	Levine	Emergency services.	Assembly - Governmental Organization			LOW	PSPS Related
AB 2182	Rubio, Blanca	Emergency backup generators: water and wastewater facilities: exemption.	Assembly - Utilities and Energy	ACWA Bill	Oppose	HIGH	PSPS Related
AB 2215	Chau	Service stations: definition: electric vehicle charging stations.	Assembly - Transportation			LOW	
AB 2225	Grayson	<del>Smog check: exemption: historic vehicles.</del>	<del>Assembly - Transportation</del>		Propose Oppose	HIGH	
AB 2241	Calderon	State Air Resources Board: report.	Assembly - Pending Referral	Spot Bill		LOW	
AB 2260	Fong	Vehicles: registration fraud.	Assembly - Transportation			MEDIUM	
AB 2262	Berman	Regional transportation plans: sustainable communities strategies: zero-emission vehicle readiness plan.	Assembly - Transportation			LOW	
AB 2331	Muratsuchi	Greenhouse gases: aviation sector: reporting.	Assembly - Natural Resources			LOW	
AB 2371	Friedman	Climate change: adaptation.	Assembly - Natural Resources			LOW	
AB 2421	Quirk	Land use: permitting: wireless communications.	Assembly - Local Government			MEDIUM	PSPS Related
AB 2441	Rivas, Luz	Climate change: Safeguarding California Plan.	Assembly - Natural Resources			MEDIUM	
AB 2446	Bonta	Cement plants.	Assembly - Natural Resources			LOW	
AB 2455	Medina	Natural gas and electric battery vehicles: weight limits.	Assembly - Transportation			LOW	
AB 2475	Flora	Electrical corporations: electrical grid monitoring equipment pilot program.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2498	Chu	<del>Interscholastic athletics: California Interscholastic Federation: air quality activity recommendations.</del>	<del>Assembly - Education</del>		Support	HIGH	
AB 2539	Bigelow	Electrical corporations: deenergization events: elections.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2566	Garcia, C.	Consumption-based greenhouse gas inventory.	Assembly - Natural Resources			LOW	
AB 2577	Chiu	Environmental protection: vulnerable population: identification.	Assembly - Natural Resources			MEDIUM	
AB 2585	Chau	California-China Climate Institute.	Assembly - Pending Referral			LOW	
AB 2587	McCarty	Local planning.	Assembly - Pending Referral	Spot Bill		LOW	
AB 2612	Maienschein	Greenhouse Gas Reduction Fund: recycling: appropriation.	Assembly - Natural Resources			LOW	
AB 2621	Mullin	Climate resiliency.	Assembly - Pending Referral			LOW	
AB 2653	Kalra	Smart climate agriculture.	Assembly - Pending Referral			LOW	
AB 2667	Boerner Horvath	Air Quality Improvement Program: Clean Vehicle Rebate Project: electric bicycles.	Assembly - Pending Referral	Intent Bill		MEDIUM	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
AB 2698	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.	Assembly - Transportation			LOW	
AB 2737	Garcia, C.	Community emissions reduction programs.	Assembly - Natural Resources			HIGH	
AB 2766	Gray	Vehicles: retirement and replacement.	Assembly - Transportation			MEDIUM	
AB 2772	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	Assembly - Transportation	CalStart Bill		MEDIUM	
AB 2789	Kamlager	State Energy Resources Conservation and Development Commission: distributed energy resources: study.	Assembly - Utilities and Energy			LOW	PSPS Related
AB 2792	Quirk	Mobile fueling on-demand tank vehicles.	Assembly - Transportation Assembly - Natural Resources		Oppose	HIGH	
AB 2824	Bonta	San Francisco-Oakland Bay Bridge: public transit: greenhouse gases.	Assembly - Pending Referral	Intent Bill		MEDIUM	
AB 2831	Flora	Greenhouse gas reduction: carbon sequestration.	Assembly - Pending Referral	Intent Bill		LOW	
AB 2832	Garcia, C.	Greenhouse gases: carbon neutrality.	Assembly - Natural Resources			LOW	
AB 2860	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	Assembly - Transportation			MEDIUM	
AB 2866	Garcia, Eduardo	Vehicular air pollution: Clean Fleet Program.	Assembly - Transportation			MEDIUM	
AB 2882	Chu	Hazardous emissions and substances: schoolsites: private and charter schools.	Assembly - Pending Referral		Support Sponsor	HIGH	
AB 2940	Quirk	Energy: hydrogen.	Assembly - Utilities and Energy			LOW	
AB 2954	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	Assembly - Natural Resources			LOW	
AB 3021	Ting	School facilities: energy resilient schools: grant program.	Assembly - Education			LOW	
AB 3027	O'Donnell	California Global Warming Solutions Act of 2006: Low-Carbon Fuel Standard regulations.	Assembly - Natural Resources			LOW	
AB 3046	Mathis	The Energy, Environment, and Economy Council.	Assembly - Natural Resources			LOW	
AB 3100	Garcia, Eduardo	Self-generation incentive program.	Assembly - Pending Referral	Spot Bill		LOW	PSPS Related
AB 3109	Ting	State Air Resources Board: report.	Assembly - Natural Resources	Building Decarbonization		MEDIUM	
AB 3111	Gipson	Carl Moyer Memorial Air Quality Standards Attainment Program.	Assembly - Pending Referral	Spot Bill CNGVC		LOW	
AB 3128	Burke	Electricity: deenergization events: fuel cells.	Assembly - Pending Referral	Intent Bill		MEDIUM	PSPS Related
AB 3163	Salas	Biogas.	Assembly - Natural Resources			LOW	
AB 3211	Bauer-Kahan	Toxic air contaminants.	Assembly - Natural Resources Assembly - Transportation		Support Sponsor	HIGH	
AB 3217	Gloria	Greenhouse gases: crude oil emissions.	Assembly - Natural Resources		Support	HIGH	
AB 3251	Bauer-Kahan	Electricity: resource adequacy requirements.	Assembly - Utilities and Energy			LOW	
AB 3256	Garcia, Eduardo	Climate risks: bond measure.	Assembly - Pending Referral			MEDIUM	
ACR 143	Quirk	Climate crisis.	Assembly - Natural Resources			LOW	
SB 43	Allen	Carbon intensity and pricing: retail products.	Assembly - Revenue and Taxation			LOW	
SB 45	Allen	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	Assembly - Pending Referral		Support	HIGH	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
SB 59	Allen	California Transportation Commission: advisory committee: autonomous vehicle technology.	Assembly - Appropriations			LOW	
SB 69	Wiener	Ocean Resiliency Act of 2019.	Assembly - Appropriations			LOW	
SB 168	Wieckowski	Climate change: Chief Climate Resilience Officer.	Assembly - Appropriations			LOW	
SB 278	Beall	Metropolitan Transportation Commission.	Assembly - Pending Referral	FASTER		MEDIUM	
SB 369	Hertzberg	Vehicle repair assistance program: safe parking program participants.	Assembly - Transportation			LOW	
SB 378	Wiener	Electrical corporations: deenergization events: procedures: allocation of costs: reports.	Assembly - Pending Referral			LOW	
SB 431	McGuire	Mobile telephony service base transceiver station towers: communications infrastructure: performance reliability standards.	Assembly - Communications and Conveyance			LOW	PSPS Related
SB 498	Hurtado	Trade Corridors Improvement Fund: grant program: short-line railroads.	Assembly - Transportation			LOW	
SB 515	Caballero	Public Utilities Commission: high hazard zone fuel: report.	Assembly - Appropriations			LOW	
SB 535	Moorlach	Greenhouse gases: wildfires and forest fires: air emissions.	Assembly - Appropriations			LOW	
SB 613	Stern	State agency greenhouse gas emission reduction report cards.	Assembly - Appropriations			LOW	
SB 629	McGuire	Air districts: hearing boards: notice requirements.	Assembly - Natural Resources			LOW	
SB 662	Archuleta	Green electrolytic hydrogen.	Assembly - Utilities and Energy			LOW	
SB 702	Hill	California Renewables Portfolio Standard Program: procurement.	Assembly - Pending Referral			LOW	
SB 801	Glazer McGuire	Electrical corporations: wildfire mitigation plans: deenergization: public safety protocol.	Senate - Energy, Utilities and Communications			MEDIUM	PSPS Related
SB 802	Glazer	Emergency backup generators: health facilities: permit operating condition exclusion.	Senate - Environmental Quality		Oppose Unless Amended	HIGH	PSPS Related
SB 808	Mitchell	Budget Act of 2020.	Senate - Pending Referral			MEDIUM	
SB 858	Beall	Thermal powerplants: exemption: emergency backup and standby generators: data centers.	Senate - Energy, Utilities and Communications		Author Requested Support	MEDIUM	
SB 862	Dodd	Planned power outage: public safety.	Senate - Energy, Utilities and Communications			LOW	PSPS Related
SB 895	Archuleta	Energy: zero-emission fuel, infrastructure, and transportation technologies.	Senate - Energy, Utilities and Communications	Spot Bill		LOW	
SB 917	Wiener	California Consumer Energy and Conservation Financing Authority: eminent domain: Northern California Energy Utility District: Northern California Energy Utility	Senate - Energy, Utilities and Communications			LOW	
SB 925	Glazer	Mobile telephony service base transceiver station towers: performance reliability standards.	Senate - Energy, Utilities and Communications			MEDIUM	PSPS Related
SB 964	Skinner	Chemicals: outdoor application: residential areas.	Senate - Rules	Spot Bill		MEDIUM	
SB 986	Allen	Coastal resources: new development: greenhouse gas emissions.	Senate - Natural Resources and Water			LOW	
SB 995	Atkins	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2011.	Senate - Environmental Quality			LOW	
SB 1020	Dahle	Income taxes: credits: generators.	Senate - Governance and Finance			LOW	PSPS Related
SB 1070	Leyva	Land use: general plans.	Senate - Rules			MEDIUM	
SB 1099	Dodd	Emergency backup generators: critical facilities: exemption.	Senate - Environmental Quality		Oppose Unless Amended	HIGH	PSPS Related
SB 1113	Gonzalez, Lena	State Air Resources Board: report.	Senate - Rules	Spot Bill		LOW	

BILL #	AUTHOR	SUBJECT	Last Status	Notes	Position	Priority (Low/Medium/High)	PSPS Related List
SB 1122	Skinner	Green electrolytic hydrogen.	Senate - Energy, Utilities and Communications		Author Requested Support	LOW	
SB 1164	Grove	Petroleum refineries: air monitoring systems.	Senate - Rules	Spot Bill		MEDIUM	
SB 1183	Hertzberg	Electric vehicle charging master plan.	Senate - Energy, Utilities and Communications			MEDIUM	
SB 1185	Moorlach	Natural gas powered generators: operation during deenergization events.	Senate - Environmental Quality		Oppose	HIGH	PSPS Related
SB 1195	Gonzalez, Lena	Vehicular air pollution: State Air Resources Board: regulations.	Senate - Rules	Spot Bill		MEDIUM	
SB 1207	Jackson	Skilled nursing facilities: backup power system.	Senate - Health			MEDIUM	PSPS Related
SB 1215	Stern	Electricity: microgrids: grant program.	Senate - Governmental Organization			LOW	PSPS Related
SB 1258	Stern	California Climate Technology and Infrastructure Financing Act.	Senate - Business, Professions and Economic Development			HIGH	
SB 1314	Dodd	Community Energy Resilience Act of 2020.	Senate - Natural Resources and Water	CCA		LOW	PSPS Related
SB 1320	Stern	Climate change: California Climate Change Assessment.	Senate - Natural Resources and Water			LOW	
SB 1321	Bradford	Transportation electrification: electric vehicles: grid integration.	Senate - Energy, Utilities and Communications			LOW	
SB 1323	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	Senate - Environmental Quality			LOW	
SB 1330	Umberg	Sales and Use Tax Law: zero emissions vehicle exemption.	Senate - Rules			LOW	
SB 1332	Allen	Solid waste: recycling and composting infrastructure.	Senate - Rules			LOW	
SB 1363	Allen	Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.	Senate - Environmental Quality			LOW	
SB 1415	Borgeas	Income taxes: credits: backup electricity generators.	Senate - Governance and Finance			LOW	PSPS Related
<b>Total Bills</b>	<b>127</b>					<b>Low: 85 Medium: 29 High: 13</b>	<b>21</b>

**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: April 13, 2020

Re: Federal Legislative Update

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**RECOMMENDED ACTION**

The Committee will receive an update on recent events of significance in Washington, D.C.

**DISCUSSION**

Staff traveled to Washington, D.C. in early March 2020 to focus on several areas of interest, meeting with legislative staff from the offices of Senators Feinstein, Harris, and Merkley (Oregon), and Representatives Pelosi, Thompson, Huffman, Eshoo, McNerney, Lee, DeSaulnier, Swalwell, Speier, and Khanna. At the federal level, we are working on the following issues:

Clean Corridors Act of 2019 - H.R. 2616 (DeSaulnier) - The Clean Corridors Act (CCA) is a bill that will hopefully be rolled into the upcoming federal transportation reauthorization bill. The CCA would allocate up to \$300 million in funding to expand electric vehicle and hydrogen fueling infrastructure. With our counterparts at the South Coast Air Quality Management District (AQMD), we have suggested amendments to the bill that would prioritize regions that provide matching funding, prioritize freight corridors, and prioritize projects that reduce exposure in vulnerable areas.

Wildfire Smoke Bills - S. 1812 (Merkley) and H.R. 4924 (Eshoo) - We continue to solicit support for the Senate and House bills that create wildfire smoke response programs that are somewhat similar to Assembly Bill 836 (Wicks; Chapter 393, Statutes of 2019).

Diesel Emission Reduction Act/Targeted Airshed Grant (DERA/TAG) Funding - We continue to solicit support for stable or increased funding for the DERA and TAG programs. The TAG program is a program that we are newly eligible for as a result of the recent wildfires and part of our work is to ensure that we remain eligible for a certain amount of time regardless of whether we experience a reduced wildfire season in the next couple years.

Backup Generator/Public Safety Power Shutoff (PSPS) - We have been discussing the issue of backup generation related to PSPS and ways that the federal government could support business decisions to purchase a cleaner alternative to diesel generation.

Recently, the Air District partnered with the South Coast AQMD, San Joaquin Valley Air Pollution Control District, and the Sacramento Metropolitan AQMD to author a letter to our federal delegation regarding potential nationwide infrastructure stimulus funding under consideration as an ongoing response to COVID-19. The letter touches on all the items above as potential ways to provide economic stimulus to various business sectors while providing ongoing public health benefits.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

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

Attachment 8A: H.R. 2616 (DeSaulnier) - BAAQMD & SCAQMD Joint Support Letter  
Attachment 8B: California Congressional Delegation Letter





375 Beale Street, Suite 600  
San Francisco, CA 94105  
(415) 771-6000

BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT



AGENDA 8A - ATTACHMENT

21865 Copley Drive  
Diamond Bar, CA 91765  
(909) 396-2000

January 24, 2020

The Honorable Mark DeSaulnier  
Congressman, California's 11<sup>th</sup> Congressional District  
503 Cannon House Office Building  
Washington, DC 20515

### **H.R. 2616 Clean Corridors Act of 2019- Support**

Dear Congressman DeSaulnier,

On behalf of the Bay Area Air Quality Management District and South Coast Air Quality Management District, we write to you to express our support for your *H.R. 2616; Clean Corridors Act of 2019*. The Bay Area AQMD and South Coast AQMD collectively serve nearly 25 million residents in California as the local air quality regulatory agency. In our extensive efforts to reduce air pollution throughout our regions, ozone-forming pollutants, particulate, and toxic diesel particulate from heavy duty on-road trucks and other transportation and freight sources have been consistently identified as the largest sources of air pollution impacting our residents.

H.R. 2616 would support our district's current efforts to expand electric and hydrogen infrastructure in freight and transportation corridors. As H.R. 2616 notes, greater adoption of zero emission vehicles will help reduce emissions and improve air quality, enhance the energy security of the United States by expanding the use of zero emission fuels, enhance fuel choice and utilization of electric vehicle charging infrastructure and hydrogen fueling infrastructure in order to benefit consumers, ensure that the transportation infrastructure of the United States is equipped to manage the demands and anticipated future needs of the economy, and develop a new economic sector in the United States that will create middle class jobs.

With this in mind, we would ask you to consider the following changes to H.R. 2616 to leverage current work being done by state and local air quality agencies across the country, as follows:

Preference for funding from the Clean Corridors Act should be given to 1) entities that can provide matching funding; 2) established goods movement corridors; 3) locations serving first and last mile freight near ports and freight hubs; 4) expanding the range/coverage of existing light-duty EV corridors to provide larger networks for EV drivers; and 5) locations that optimize infrastructure networks and reduce hazardous air pollutants in communities disproportionately impacted by such pollutants.

The Honorable Mark DeSaulnier  
January 24, 2020  
Page 2

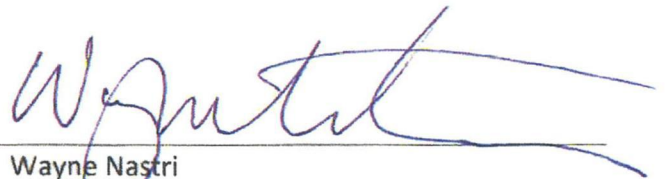
We also request that the definition of "Publicly accessible" be further defined to also include dedicated infrastructure for Transportation Network Companies and publicly-owned fleets such as municipal fleets & transit operators.

We support H.R. 2616 as a positive step towards improving our nation's highway infrastructure and look forward to working with you and other advocates on this. Should you have any questions, please feel free to contact Alan Abbs at the Bay Area AQMD at (916) 769-7769, or Lisa Tanaka O'Malley at the South Coast AQMD at (909) 396-3327.

Sincerely,



Jack P. Broadbent  
Executive Officer/APCO  
Bay Area Air Quality Management District



Wayne Nastri  
Executive Officer/APCO  
South Coast Air Quality Management District





BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT

SACRAMENTO METROPOLITAN



April 13, 2020

California Congressional Delegation  
United States Capitol  
Washington, D.C. 20515

**Re: California Air Quality Needs**

Dear Delegation Members:

On behalf of the Bay Area Air Quality Management District (Bay Area AQMD), the San Joaquin Valley Air Pollution Control District (San Joaquin Valley APCD), the South Coast Air Quality Management District (South Coast AQMD), and the Sacramento Metropolitan Air Quality Management District (Sac Metro AQMD), we are writing to urge Congress to include funding in upcoming legislation related to the Coronavirus pandemic (COVID-19) for forward-thinking programs that will provide immediate stimulus for the nation’s economy, while supporting public health efforts to reduce air pollution.

Collectively, our agencies serve over 31 million residents in California as their local air quality regulatory agency. As public health professionals, we strive to reduce air pollution throughout our regions, including ozone-forming pollutants, particulate matter (PM), and toxic air contaminants, while still supporting California’s economic growth. Adding funding to several current and proposed federal programs to support clean transportation, off-road and agricultural equipment, energy generation and storage, energy sector wildfire resiliency, and building retrofits would provide a vital boost to California’s economy and workforce while continuing our collective goal to provide cleaner air and enhance public health for all.

**Diesel Emission Reduction Act (DERA) Program - \$1 Billion:** The DERA program provides incentive funding throughout the country to replace older and more polluting diesel engines with new diesel engines or other cleaner alternative energy engines. In California, DERA provides incentives to upgrade freight handling equipment in ports, locomotives and switchers at railyards, older trucks in goods movement corridors, and farm equipment in our major agricultural areas. Recently, the Bay Area AQMD used \$1.8 million in Clean Diesel Funding Assistance Program (CDFAP) funds to replace six pieces of material handling equipment and one diesel locomotive that operate service in

Richmond and Oakland, California, respectively. Both communities are significantly, disproportionately impacted by toxic diesel particulate matter and have some of the highest health risks in California from air pollution. Significant health risk in the Oakland community can be reduced by upgrading equipment at the Port of Oakland, the sixth largest container port in the United States (U.S.) however, the cost of this cleanup is estimated to be in excess of \$200 million excluding the infrastructure for charging. The San Joaquin Valley APCD and the Sac Metro AQMD have utilized DERA funds to replace heavy-duty equipment with new cleaner equipment including cleaner tractors, trucks, and locomotives. The South Coast AQMD was awarded approximately \$1.6 million from DERA to replace 25 older heavy duty diesel trucks with near-zero NOx natural gas-powered trucks through a partnership with Clean Energy to implement a Market Acceleration Program (MAP) designed to accelerate commercial deployment. These near-zero trucks are operated in and around the Ports of Los Angeles and San Pedro, resulting in a 90-percent reduction in NOx emissions which is critical to improve the health of workers and all those living near the goods movement complex.

While authorized for \$100 million, the DERA program is funded for Fiscal Year (FY) 20 at \$87 million for the entire U.S., but in California the need and oversubscription to diesel emissions reduction incentives easily exceeds that amount by a factor of more than 10. According to the U.S. Environmental Protection Agency 2019 report<sup>1</sup> to Congress, every dollar invested in DERA is leveraged by as much as \$3 in matching funds, generating as much as \$11 to \$30 in public health benefits and over \$2 in fuel savings. Even if this program could receive an additional \$1 billion in funding it would still not meet the current demand in California alone but would be of significant assistance.

**Targeted Airshed Grant (TAG) Program - \$500 Million:** The TAG Program provides funding to regions of the country most impacted by particulate pollution, including our four regions, to develop new emission reduction incentive programs, or to fund existing underfunded programs. The TAG Program can provide funding to replace older equipment and vehicles such as heavy-duty trucks and agricultural equipment with the cleanest technologies, electrify commercial lawncare and agricultural equipment, improve residential heating through replacement of older heating devices with cleaner alternatives, and other clean air projects to support air quality improvement efforts in areas with the most difficult air quality challenges.

The San Joaquin Valley APCD has utilized TAG funds to replace heavy-duty equipment with new cleaner equipment, including tractors, trucks, and replacing residential wood burning devices with cleaner alternatives. The South Coast AQMD recently received more than \$3 million from TAG to replace 79 pre-1994 diesel school buses with near-zero natural gas technology in disadvantaged communities. These federal funds were leveraged with approximately \$32 million in state funding which replaced a total of 206

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<sup>1</sup> DERA Fourth Report to Congress (July 2019): Highlights of the Diesel Emissions Reduction Program, United States Environmental Program, <https://www.epa.gov/sites/production/files/2019-07/documents/420r19005.pdf>

polluting, diesel school buses with lower-emission school buses in 42 school districts. These lower-emission school buses provide less polluting and safer transportation for children and reduces public exposure to toxic diesel PM emissions. Further, the funding fueled economic activity by sourcing the lower-emission school buses from U.S. manufacturers. Sac Metro AQMD and air districts of the Sacramento Federal Non-attainment Area are leveraging \$15 million in FY19 & FY20 TAG funding with close to \$15 million in local and public match, fueling economic activity in addition to reducing critical levels of pollution in the region.

The TAG program is funded for FY 20 at \$56.3 Million for the entire U.S., but again California could easily implement programs with many times that amount. This is the only funding program dedicated to areas most severely impacted and is critical to those areas efforts to achieve attainment.

**Alternative Fuel Infrastructure for Economic Competitiveness and Stimulus - \$500 Million:** Legislation in both the House and Senate, H.R. 2616 (DeSaulnier) and S. 674 (Carper), would support California's efforts to expand electric, hydrogen and natural gas infrastructure in freight and transportation corridors. The goals of these legislative efforts are to build an efficient network of national transportation infrastructure that will anticipate future needs of the economy and to develop a new economic sector in the U.S. that will create middle class jobs. The Bay Area AQMD, San Joaquin Valley APCD, and South Coast AQMD have previously expressed support for alternative fuel infrastructure, with recommendations that funding be prioritized for (1) existing goods movement corridors, (2) support existing regional electrification programs, and (3) maximize health benefits to our most impacted residents. Both H.R. 2616 and S. 674 provide a roadmap for a program that would begin a transition to a cleaner freight-based economy. This smart investment in our nation's transportation system would improve our country's infrastructure and would support programs such as electrification of cargo and freight handling, shore power upgrades for ocean going vessels, and clean transportation infrastructure on goods movement corridors including near-zero, natural gas heavy-duty engines. S. 674 was incorporated into the bi-partisan Senate surface transportation bill, S. 2302 (Barrasso), "America's Transportation Infrastructure Act of 2019", which was unanimously approved by the Committee on Environment and Public Works.

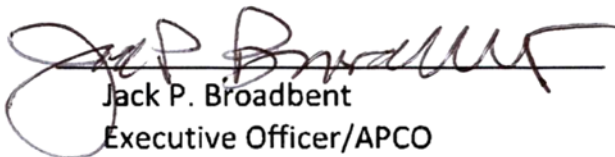
**Infrastructure Improvements to Support Wildfire Resilience and Mitigate the Harmful Effects of Smoke - \$100 Million:** Public utility related wildfire risk (e.g., Public Safety Power Shutoffs) could be lessened with a benefit to public health through deployment of new cleaner backup energy alternatives such as fuel-cell microgrids to replace diesel backup generation and to provide distributed power to reduce the scope of power shutoffs. As a mitigation opportunity, Senator Merkley and Congresswoman Eshoo have introduced bills (S. 1812 and H.R. 4924, respectively) that contain proposals to provide funding to retrofit buildings with improved HVAC systems to better protect individuals that are most vulnerable to the effects of wildfire smoke. In Sacramento County as an example, a multi-agency coalition is establishing guidance for

businesses, schools and other public agencies for wildfire response under a state law requiring increased coordination and preparedness to protect all residents, but especially school-age children and those most vulnerable to wildfire smoke. Funding is needed to implement responses, increase capacity to monitor air quality at very localized levels, establish clean air centers and provide the information to the public through an effective outreach strategy.

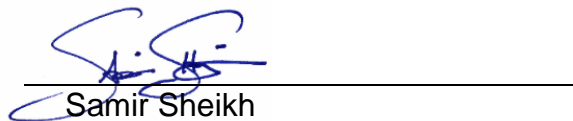
It is important to note, that due to these unprecedented times and the severity of the impact that the COVID-19 has had across the globe, there was a recent study<sup>2</sup> done by Harvard University to address the link between air pollution and COVID-19 mortality rates. The study concludes that "a small increase in long-term exposure to PM2.5 leads to a large increase in COVID-19 death rate, with the magnitude of increase 20 times that observed for PM2.5 and all-cause mortality. The study results underscore the importance of continuing to enforce existing air pollution regulations to protect human health both during and after the COVID-19 crisis."

Thank you for your strong support for California air quality and public health programs and your leadership in this time of crisis. We hope you will consider programs that provide much needed workforce and economic support while advancing clean energy, clean transportation, and improved public health. Should you have any questions, please feel free to contact Alan Abbs at the Bay Area AQMD at (916) 769-7769, Tom Jordan at (559) 230-6036 at the San Joaquin Valley APCD, or Lisa Tanaka O'Malley at the South Coast AQMD at (909) 396-3327.

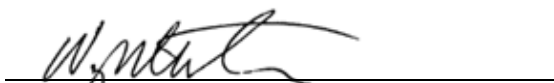
Sincerely,



Jack P. Broadbent  
Executive Officer/APCO  
Bay Area AQMD



Samir Sheikh  
Executive Director/APCO  
San Joaquin Valley APCD



Wayne Nastro  
Executive Officer/APCO  
South Coast AQMD



Alberto Ayala  
Executive Director/APCO  
Sac Metro AQMD

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<sup>2</sup> Exposure to Air Pollution and COVID-19 Mortality in the United States, Last updated April 5, 2020, Harvard T.H. Chan School of Public Health, [https://projects.iq.harvard.edu/files/covid-pm/files/pm\\_and\\_covid\\_mortality.pdf](https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf)