

Bay Area Air Quality Management District
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San Francisco, California 94105
(415) 749-5073

APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Wednesday, April 22, 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 12:00 p.m.

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

Absent: Directors David Canepa, Pauline Russo Cutter, Scott Haggerty, and Tyrone Jue.

Also Present: Board Chair Rod Sinks (noted present at 12:03 p.m.)

2. APPROVAL OF THE MINUTES OF NOVEMBER 25, 2019

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Director Hurt, to approve the Minutes of November 25, 2019; and the motion carried by the following vote of the Committee:

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

3. APPROVAL OF THE MINUTES OF JANUARY 15, 2020

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Director Hurt, to approve the Minutes of January 15, 2020; and the motion carried by the following vote of the Committee:

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

4. APPROVAL OF THE MINUTES OF APRIL 15, 2020

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Director Hurt, to approve the Minutes of April 15, 2020; and the motion carried by the following vote of the Committee:

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

5. SACRAMENTO LEGISLATIVE UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *Sacramento Update*, including; State Budget update (2020-2021); and legislative calendar. Mr. Abbs also mentioned a memo from Assembly Committee on Budget Chair, Assemblyman Phil Ting, which forecasted changes to the 2020-2021 California Budget.

Public Comments

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by: Janet Callahan and Janet Pygeorge, Rodeo Citizens Association.

Committee Comments

None.

Committee Action

None; receive and file.

6. AIR DISTRICT SPONSORED BILLS

Mr. Abbs gave the staff presentation Air District Sponsored Bills, including: Assembly Bill (AB) 2882 - Ensuring Health and Safety of Schools (Chu and C. Garcia), and AB 3211 - Expansion of Indirect Source Authority (Bauer-Kahan and Bonta).

Public Comments

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by: Janet Callahan and Janet Pygeorge, Rodeo Citizens Association.

Committee Comments

The Committee and staff discussed the likelihood of AB 2882 of moving forward in 2020, especially as one of its authors is leaving the Legislature at the end of the year.

Committee Action

None; receive and file.

7. CONSIDERATION OF NEW BILLS

Mr. Abbs gave the staff presentation *Bills of Interest*, including: Senate Bill (SB) 802 (Glazer) and SB 1099 (Dodd). He said that these bills were being revisited due to the Committee members' concern regarding potentially unlimited maintenance and testing of generators during power shutoffs at the April 15, 2020 Committee meeting.

- 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.

Public Comments

None.

Committee Comments

The Committee and staff discussed the date by which the Air District needs to have adopted positions on these bills; whether any bills that oppose fossil fuel generation are being considered this year; and when Mr. Abbs expects to give the Committee an update on these two bills.

Committee Action

None; receive and file.

8. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs gave the staff presentation *Federal Update*, including: current bills and advocacy efforts (Clean Corridors Act of 2019, wildfire smoke bills, Diesel Emissions Reduction Act/Targeted Airshed Grant funding, and backup generator/Public Safety Power Shutoff funding.)

Public Comments

No requests received.

Committee Comments

None.

Committee Action

None; receive and file.

9. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments received via electronic mail, and read aloud by Vanessa Johnson, Manager of Executive Operations, were submitted by: Janet Callahan and Janet Pygeorge, Rodeo Citizens Association; and Charles Davidson, Sunflower Alliance.

10. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Gioia suggested audio/visual options to improve the fluidity of the virtual meeting process, as technical difficulties occurred during the Budget and Finance Committee meeting, held earlier this morning.

11. TIME AND PLACE OF NEXT MEETING

The next meeting had originally been scheduled for 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. After the meeting adjourned, the next meeting was scheduled for Wednesday, May 27, 2020, at 1:00 p.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

12. ADJOURNMENT

The meeting adjourned at 12:56 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards