

Bay Area Air Quality Management District  
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## **APPROVED MINUTES**

Summary of Board of Directors  
Legislative Committee Meeting  
Wednesday, May 27, 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 1:00 p.m.

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

Absent: Director Tyrone Jue.

Also Present: Board Chair Rod Sinks.

### **2. APPROVAL OF THE MINUTES OF APRIL 22, 2020**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Cutter made a motion, seconded by Director Hurt, to approve the Minutes of April 22, 2020; and the motion carried by the following vote of the Committee:

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

### **3. SACRAMENTO LEGISLATIVE / BUDGET UPDATE**

Alan Abbs, Legislative Officer, gave the staff presentation *Sacramento Legislative / Budget Update*, which captured various program allocations from the Governor's proposed May revision to the Fiscal Year (FY) 2020-2021 Budget, as of May 14, 2020, that are of interest to the Air District. Mr. Abbs listed prioritized programs per the revised 2019-2020 Cap and Trade Expenditure Plan. He explained that the state will conduct its quarterly Cap and Trade auctions beginning in August 2020, and allocate the proceeds first to the prioritized programs and any remaining auction revenues to non-prioritized programs. Mr. Abbs said that auctions are not expected to generate as much return as usual, due to COVID-19 economic impacts. The Legislature may consider only the General Fund portion of the FY 20-21 Proposed Budget at this time, and the Cap and Trade portion later in the year. Representatives from air districts throughout the state attended both Assembly Budget Subcommittee No. 3 and Senate Budget Subcommittee No. 2 meetings on May 21 and May 24, 2020, respectively and advocated for the prioritization of Assembly Bill (AB) 617 implementation. At the Assembly Proceedings of the Committee of the Whole on the State Budget on May 26, 2020, legislators discussed the need for AB 617 funding. Mr. Abbs explained that air districts are becoming concerned about the fact that reserves from the Air Pollution Control Fund (APCF), which has helped fund AB 617, may be used to fund non-air quality programs in the future.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed the difference between FY 19-20 and proposed FY 20-21 (May revision) program allocations; when clarity on the State's FY 20-21 Proposed Budget will be available; the request that the presentation on this item is sent to the entire Air District Board; the deadline by which the Board must make any last revisions to its Fiscal Year Ending 2021 Proposed Budget; the suggestion of adding a column to the chart in this item's presentation indicating how much of the FY 19-20 State Budget was allocated specifically to the Bay Area Air Quality Management District (in comparison to other air districts); the concern that funding for AB 617 incentives is more readily available, than for AB 617 implementation; whether Cap and Trade proceeds are meant to replace or replenish the General Fund; predictions about Cap and Trade proceeds prior to the COVID-19 pandemic; when Cap and Trade auction revenues would be available, were they to exceed the estimated \$2.5 billion amount needed to first fund priority programs; and clarification on when AB 617 funds will be cut, should the Governor's May revision be passed.

#### Committee Action

None; receive and file

### **4. AIR DISTRICT SPONSORED BILLS**

Mr. Abbs gave the staff presentation *Air District Sponsored Bills*, including: Assembly Bill 2882 (Chu and C. Garcia) - Hazardous Emissions and Substances: School Sites: Private and Charter Schools, and AB 3211(Bauer-Kahan and Bonta) – Toxic Air Contaminants. Assembly Bill 2882 requires that private schools and charter schools meet the same siting requirements as public schools. Assembly Bill 3211 allows air districts to adopt local rules related to toxic air contaminants at

indirect sources of air pollution, and also allows collection of data that will help air districts work with these sources and communities to reduce health impacts. Mr. Abbs reported that AB 2882 moved forward, and that while AB 3211 was referred to both the Assembly's Committee on Transportation and Committee on Natural Resources, that bill will not be moving forward this year.

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

None; receive and file.

### **5. STATE LEGISLATION UPDATE**

Mr. Abbs gave the staff presentation *State Legislation Update*, including: Senate Bill (SB) 802 (Glazer) and SB 1099 (Dodd); status of priority bills; and other bills of interest. Mr. Abbs explained that SB 802 and 1099 are to be merged (SB 802 will be dropped and 1099 will be rewritten.) This is scheduled to be heard on May 29, 2020 in the Senate Environmental Quality Committee, and amendments to SB 1099 may be available in a week.

- **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.
  
- **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.

Mr. Abbs stated that other bills of interest are included in the meeting packet, but the status of these bills may be unknown or changing.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed how the Air District would change its adopted position, should the Air District approve of the anticipated amendments to SB 1099, and how the authors would be notified if that were to occur.

Committee Action

None; receive and file.

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

No requests received.

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

Directors Haggerty, Mitchoff, and Canepa reiterated their concern with the format of “stacked” committee meetings on the same day and requested that the Air District be mindful of other regional agencies’ standing meeting schedules. Chair Abe-Koga requested that Air District staff survey the board members about whether they prefer or dislike stacked meetings.

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

The next meeting had originally been scheduled for Wednesday, June 24, 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 Thursday, June 25, 2020, at 9:30 a.m., via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

**9. ADJOURNMENT**

The meeting adjourned at 2:05 p.m.

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