

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

Summary of Board of Directors  
Legislative Committee Meeting  
Thursday, June 25, 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 9:32 a.m.

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

Absent: Director John Bauters and John Gioia.

Also Present: Board Chair Rod Sinks.

### **2. APPROVAL OF THE MINUTES OF MAY 27, 2020**

#### Public Comments

No requests received.

#### Committee Comments

None.

#### Committee Action

Director Mitchoff made a motion, seconded by Director Canepa, to approve the Minutes of May 27, 2020; and the motion carried by the following vote of the Committee:

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

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

NOTED PRESENT: Director Haggerty was noted present at 9:35 a.m.

Alan Abbs, Legislative Officer, gave the staff presentation *Sacramento Legislative Budget Update*, recapping Fiscal Year (FY) 2020/2021 Budget activity of the Legislature and Governor between the May revision and June 21, 2020. Mr. Abbs noted that, at one point, there had been a budget gap which may have impacted air quality programs, but over the weekend, the Proposed Budget was adjusted to include \$50 million for (statewide) air quality programs that had not been included in the May revision. The Legislature will vote on the most current Proposed Budget today. Mr. Abbs said that the Carl Moyer program and state subvention funding, which are State funding streams that the Air District receives annually, have *not* been impacted, and added that the new “Clean Trucks, Clean Air” bill that established a diesel smog check program, has also been funded. Although woodstove replacement programs will not be funded in the FY 2020/2021 Budget, six other air quality programs (pertaining to the Greenhouse Gas Reduction Fund) could be considered for funding later in the year. The next Cap and Trade auction will occur in August and it is anticipated to be less robust than previous auctions. The Legislature is wondering about the future of the Cap and Trade program. The Governor’s January Proposed Budget included a Climate Catalyst Fund proposal (a clean technology revolving loan program) and while it remains a line item in the Budget, no allocated funds remained in the May revision. It is speculated that it could be changed to a program funded with private funds. Senator Bob Wieckowski (Fremont) proposed that the California Air Resources Board (CARB) consider changes to Cap and Trade prices and allowances in 2022.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed whether the State will consider its projections of the August auction revenue before the Air District revisits its fee increases; how soon the Bay Area could utilize the funds for the Clean Air Centers, assuming the Governor approves the Budget; and the status of the Air District’s Woodsmoke Reduction Incentive program fund.

#### Committee Action

None; receive and file.

### **4. AIR DISTRICT SPONSORED BILL**

Mr. Abbs gave the staff presentation *Air District Sponsored Bills*, featuring Assembly Bill (AB) 2882 (Chu and C. Garcia) - Hazardous Emissions and Substances: School Sites: Private and Charter Schools. Mr. Abbs reported that the California Assembly passed AB 2882 last week and that the bill will be considered by the Senate Environmental Quality Committee. The Air District has reached out to the Planning Association of California and Charter Schools Association and is still looking for additional supporters.

## Public Comments

No requests received.

## Committee Comments

The Committee and staff discussed the status of the Air District's indirect source bill, and how that and the Air District's Diesel Free by 33 initiative could be affected by CARB's Advanced Clean Trucks regulation (being considered for adoption today); and the Assembly members who voted against this bill.

## Committee Action

None; receive and file.

## **5. STATE LEGISLATION UPDATE**

Mr. Abbs gave the staff presentation *State Legislation Update*, including the following bills of interest: Senate Bill (SB) 1099 (Dodd); AB 1714 (Aguiar-Curry); and Assembly Constitutional Amendment (ACA) 5 (Weber).

- **SB 1099:** This bill 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. Update: This bill is being considered for adoption by the Senate today but may no longer be needed if the South Coast Air Quality Management District can address the affected facilities' concerns about disrupted operations.
- **AB 1714:** This bill address air emissions from wine fermentation tanks, and would require CARB to convene a working group for the purpose of reviewing the state of air pollution control technologies, operational or maintenance standards, and work practices that may be applied to wine fermentation tanks, and the costs and benefits of those technologies, standards, and practices. The bill also would require CARB to

review options for the reduction of emissions from wine fermentation tanks that, to the maximum extent feasible, preserve and protect the quality, taste, and other unique attributes associated with wine while complying with air quality standards and objectives and would require the state board to provide air districts a summary of all cost-effective options to achieve the emissions reductions from wine fermentation tanks in addition to those options' respective abilities to preserve and protect the quality, taste, and other unique attributes associated with wine. This bill would also require air districts, when adopting a rule or issuing a permit requiring air pollution control technology to be installed on wine fermentation tanks, to include specified findings. Update: This bill went through California's "gut and amend" process and may be moved forward at the end of this legislative session.

- **ACA 5:** Proposing to repeal Proposition 209, a citizens' initiative approved in 1996, prohibiting the state from discriminating against, or granting preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting. Update: The California Senate passed ACA 5 yesterday and it will be on the November ballot.

#### Public Comments

No requests received.

#### Committee Comments

The Committee and staff discussed the request that Air District staff bring this bill back to the Committee for further consideration, as this bill will be on the November ballot.

#### Committee Action

None; receive and file.

### **6. 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 Dr. Margaret Chen, University of San Francisco.

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

Director Haggerty suggested an enhanced polling method, such as Doodle, to maximize Committee member participation at these meetings.

Director Jue suggested that Air District reach out to the stakeholders and lobbyists who supported AB 617, thank and update them about the \$50 million that was allocated for implementation, and urge them to keep lobbying for AB 617 incentives and technical assistance funding that may be considered later in the year.

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

The next meeting had originally been at the Call of the Chair. After the meeting adjourned, the next meeting was scheduled for Wednesday, September 30, 2020, at 11:30 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 10:20 a.m.

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