



BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING

COMMITTEE MEMBERS

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

MARGARET ABE-KOGA – CO-CHAIR
BRAD WAGENKNECHT – VICE CHAIR
ERIN HANNIGAN
LYNDA HOPKINS
ROB RENNIE

PAULINE RUSSO CUTTER – CO-CHAIR
DAVID CANEPA
DAVID HAUBERT
DAVID HUDSON

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

- **THE PUBLIC MAY OBSERVE THIS MEETING THROUGH THE WEBCAST BY
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- **THE PUBLIC MAY PARTICIPATE REMOTELY VIA ZOOM AT THE FOLLOWING
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APPLICATION IS UP TO DATE**

WEDNESDAY
MARCH 17, 2021
1:00 P.M.

AGENDA

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

PLEDGE OF ALLEGIANCE

PUBLIC MEETING PROCEDURE

The Committee Co-Chair shall call the meeting to order and the Clerk of the Boards shall take roll of the Committee members.

This meeting will be webcast. To see the webcast, please visit www.baaqmd.gov/bodagendas at the time of the meeting. Closed captioning may contain errors and omissions and are not certified for their content or form.

***Public Comment on Agenda Items** The public may comment on each item on the agenda as the item is taken up. Members of the public who wish to speak on matters on the agenda for the meeting, will have three minutes each to address the Committee. No speaker who has already spoken on that item will be entitled to speak to that item again.*

Staff/Phone (415) 749-

2. **APPROVAL OF THE MINUTES OF FEBRUARY 17, 2021**

Clerk of the Boards/5073

The Committee will consider approving the attached draft minutes of the Legislative Committee meeting of February 17, 2021.

3. **SACRAMENTO LEGISLATIVE BUDGET UPDATE**

A. Abbs/8437

aabbs@baaqmd.gov

The Committee will receive an update on recent activities related to the budget.

4. **AIR DISTRICT-SPONSORED BILLS**

A. Abbs/8437

aabbs@baaqmd.gov

The Committee will receive an update on the status of two Air District-sponsored bills: Toxic Air Contaminants (Assembly Bill (AB) 426; Assemblymember Bauer-Kahan) and Hazardous Emissions and Substances: Schoolsites: Private and Charter Schools (AB 762; Assembly Members Lee and C. Garcia).

5. **CONSIDERATION OF NEW BILLS**

A. Abbs/8437
aabbs@baaqmd.gov

Staff will present bills of interest and recommend the Committee recommend that the Board of Directors take positions on high priority bills where appropriate.

6. **2021 LEGISLATIVE PLATFORM**

A. Abbs/8437
aabbs@baaqmd.gov

Staff will present the Committee with a revised draft legislative platform for 2021 for review and approval.

7. **FEDERAL LEGISLATIVE UPDATE**

A. Abbs/8437
aabbs@baaqmd.gov

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

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

Members of the public who wish to speak on matters not on the agenda for the meeting, will have three minutes each to address the Committee.

9. **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).

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

Wednesday, April 21, 2021, at 1:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

11. **ADJOURNMENT**

The Committee meeting shall be adjourned by the Committee Co-Chair.

CONTACT:

MANAGER, EXECUTIVE OPERATIONS
375 BEALE STREET, SAN FRANCISCO, CA 94105
vjohnson@baaqmd.gov

(415) 749-4941
FAX: (415) 928-8560
BAAQMD homepage:
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 Air 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 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, Terri Levels, at (415) 749-4667 or by email at tlevels@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

MARCH 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Stationary Source & Climate Impacts Committee	Monday	15	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	17	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	17	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source & Climate Impacts Committee	Thursday	25	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

APRIL 2021

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
Board of Directors Community Equity, Health & Justice Committee	Thursday	1	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Special Meeting	Wednesday	7	8:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Stationary Source & Climate Impacts Committee	Monday	19	9:00 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Administration Committee	Wednesday	21	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Legislative Committee	Wednesday	21	1:00 p.m.	Webcast only pursuant to Executive Order N-29-20
Board of Directors Mobile Source & Climate Impacts Committee	Thursday	22	9:30 a.m.	Webcast only pursuant to Executive Order N-29-20

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: Approval of the Minutes of February 17, 2021

RECOMMENDED ACTION

Approve the attached draft minutes of the Legislative Committee (Committee) meeting of February 17, 2021.

DISCUSSION

Attached for your review and approval are the draft minutes of the Committee meeting of February 17, 2021.

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 February 17, 2021

AGENDA 2A – ATTACHMENT

Draft Minutes – Legislative Committee Meeting of February 17, 2021

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, February 17, 2021

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) Co-Chairperson, Margaret Abe-Koga, called the meeting to order at 1:01 p.m.

Present: Co-Chairpersons Margaret Abe-Koga and Pauline Russo Cutter; Vice Chairperson Brad Wagenknecht; and Directors David Canepa, Erin Hannigan, David Haubert, David Hudson, Rob Rennie.

Absent: Director Lynda Hopkins.

Also Present: None.

2. APPROVAL OF THE MINUTES OF NOVEMBER 12, 2020

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Co-Chair Cutter made a motion, seconded by Vice Chair Wagenknecht, to approve the Minutes of November 12, 2020; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Hannigan, Hudson, Rennie, Wagenknecht.
NOES: None.
ABSTAIN: Haubert.
ABSENT: Hopkins.

3. STATE LEGISLATIVE BUDGET UPDATE

Alan Abbs, Legislative Officer, gave the staff presentation *State Legislative Budget Update*, which is an update on recent events of significance in Sacramento including an update on the Fiscal Year (FY) 2021/22 Budget. The list included ten programs currently listed in the State budget that are of interest to the Air District: Assembly Bill (AB) 617 Incentives, Clean Truck & Bus, Agriculture Diesel Engine Replacement, and Clean Cars for All/School Bus/Equity, AB 617 Implementation, AB 617 Incentives, AB 617 Community Grants, Clean Truck & Bus, Agriculture Diesel Engine Replacement, and Clean Cars for All/School Bus/Equity, Prescribed Fire, Carl Moyer Program. All are funded by the Greenhouse Gas Reduction Fund (proceeds from Cap and Trade auctions) except for AB 836 (Wicks) and the Carl Moyer Program. Four of these ten programs are slated for proposed early action.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether “clean vehicles” include both zero emissions and alternative fuel vehicles; an increase of interest in hydrogen buses; the amount of Particulate Matter generated by fireplaces, and the funding source(s) for the Air District’s Wood Smoke Reduction Incentive Program; how the need for funds for AB 617 incentives and AB 617 community grants compares to the need for funds for AB 617 implementation; whether the State is addressing the need for electric vehicle charging infrastructure projects; the extension of sunset dates for the Carl Moyer Program, the Air District’s Mobile Source Incentive Fund Program (AB 923), and the California Energy Commission’s AB 118 from January 1, 2024 to January 1, 2046; and the anticipated timeline for the early action items.

Committee Action

None; receive and file.

4. AIR-DISTRICT SPONSORED BILLS

Mr. Abbs gave the staff presentation *Air District-Sponsored Bills*, providing updates on the reintroduction of last year’s Air District-sponsored school siting and indirect sources bills.

- AB 3211 (Bauer-Kahan), which would allow air districts to adopt local rules related to toxic air contaminants at indirect sources of air pollution, and allow collection of data that will help air districts work with these sources and communities to reduce health impacts, failed in 2020. It will be introduced to the Legislature again on February 4, 2021 (committee referral pending).
- AB 2882 (K. Chu), which would require that private schools and charter schools meet the same siting requirements as public schools, failed last year. Alex Lee won the 25th California Assembly seat, replacing Kansen Chu, and Assemblymember Lee will introduce this bill as AB 762 this year (date and committee referral pending).

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether the Air District anticipates any opposition to AB 762; the suggestion that the Air District and members of the environmental justice community in West Oakland educate legislators about the value of and need for indirect source authority; the status of Stratford school / Tri City Rock situation in Fremont; and the request that the Air District take a proactive stance about the new school and housing that will be built adjacent to AB&I Foundry, a cast iron soil pipe and fittings manufacturer, near the Oakland Coliseum.

Committee Action

None; receive and file.

5. CONSIDERATION OF NEW BILLS

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including:

- **AB 220 (Voepel)** – *Smog check: exemption - **OPPOSE***
- **AB 467 (Grayson)** – *Smog check: exemption: historic vehicles - **OPPOSE***
- **AB 363 (Medina)** – *Carl Moyer Memorial Air Quality Standards Attainment Program - **OPPOSE***
- **AB 339 (Lee)** – *State and local government: open meetings*
- **Senate Bill (SB) 45 (Portantino)** - *Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.*
- **SB 260 (Wiener)** – *Climate Corporate Accountability Act*
- **SB 342 (Gonzalez)** – *Environmental justice*
- **AB 619 (Calderon)** – *Lung health*

Public Comments

Public comments were given by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed the request to support and prioritize SB 30 (Cortese), which focuses on building decarbonization; the request for a list of wildfire bills; the request that bills be categorized by topic in future Legislative Committee meeting packets; and whether virtual attendance of board members will continue to be permitted, once the Board resumes meeting in person.

Committee Action

Director Hudson made a motion, seconded by Vice Chair Wagenknecht, to recommend the Board **adopts** an **OPPOSE** position for AB 220, AB 467, and AB 363; and the motion carried by the following vote of the Committee:

AYES: Abe-Koga, Canepa, Cutter, Hannigan, Haubert, Hudson, Rennie, Wagenknecht.
 NOES: None.
 ABSTAIN: None.
 ABSENT: Hopkins.

6. 2021 LEGISLATIVE PLATFORM

Mr. Abbs gave the staff presentation *2021 Legislative Platform*, including three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

Topic	State Budget	State Legislation	Fed. Legislation
State Funding for Clean Air Projects	X		
AB 617 Community Air Protection Implementation	X		
Carl Moyer Program AB 1274 Funding	X		
Carl Moyer / Mobile Source Incentive Fund / AB 118 Reauthorization	X		
Wildfire Smoke Public Health Response	X	X	X
Support for Air District Activities Related to Wildfire Mitigation	X		
Clean Tech Financing	X		
Vehicle Emissions and Congestion Relief		X	
Climate Change		X	
AB 617 Community Air Protection Program		X	
Emergency Backup Generation		X	
Toxic Air Emissions		X	
Stationary Source Greenhouse Gas Authority		X	
Federal Funding for Air District Clean Air Programs			X
Clean Transportation Programs			X
Clean Energy Programs			X
Particulate Matter Standards			X
Vehicle Emission Standards			X

Public Comments

Public comments were made by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed whether use of backup generators during Public Safety Power Shutoff events are an actual concern; and concerns from the public that the Air District’s rulemaking process is not giving enough attention to socioeconomic analysis, which is required by the Health and Safety Code.

Committee Action

None; receive and file.

7. FEDERAL LEGISLATIVE UPDATE

Mr. Abbs gave the staff presentation *Federal Legislative Update*, including:

- Air District staff has spoken with Congressman DeSaulnier about his reintroduction of the Clean Corridors Act bill, which would direct the Department of Transportation to award grants to governmental entities and planning organizations for the installation of electric vehicle charging infrastructure and hydrogen fueling infrastructure along designated alternative fuel corridors.
- Two companion bills, under the “Smoke Planning and Research Act”, will be reintroduced in the House of Representatives and Senate, respectively: H.R. 4924 (Eshoo) would help state and local governments protect their communities from the public risks of wildfire smoke; and S.1812 (Merkley) would require the United States Environmental Protection Agency (EPA) to research and mitigate the impacts of smoke emissions from wildland fires.
- H.R. 7073 (Garamendi), “Special Districts Provide Essential Services Act”, addresses the fact that special districts were left out of direct federal support for state and local governments under the CARES Act and earlier federal laws passed by Congress in response to the coronavirus pandemic. However, it is not anticipated that local air districts will be prioritized to receive this money.
- The Air District is hopeful for funding allocation increases from the following federal sources: EPA’s Diesel Emission Reduction Act, Targeted Airshed Grant Program, and Section 103 and 105 of the Clean Air Act.
- Federal earmarks may be rebranded as “Community Project Funding”, in the form of annual spending bills that would benefit specific projects. The Air District will brainstorm local projects that would result in positive air quality and health impacts.

Public Comments

Public comments were made by Jed Holtzman, 350 Bay Area.

Committee Comments

The Committee and staff discussed the current status of the Air & Waste Management Association’s 114th Annual Conference and Exhibition.

Committee Action

None; receive and file.

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

No requests received.

9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Co-Chair Abe-Koga announced that she would follow up with Air District staff to prioritize rulemaking socioeconomic analyses.

10. TIME AND PLACE OF NEXT MEETING

Wednesday, March 17, 2021, at 1:00 p.m. via webcast, pursuant to procedures authorized by Executive Order N-29-20 issued by Governor Gavin Newsom.

11. ADJOURNMENT

The meeting adjourned at 3:01 p.m.

Marcy Hiratzka
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: Sacramento Legislative Budget Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

On January 8, 2021, Governor Newsom released his initial Fiscal Year (FY) 2021-22 Budget.

DISCUSSION

Staff will provide an update to the Legislative Committee (Committee) on recent activities related to the budget.

On January 8, 2021, Governor Newsom released his draft budget proposal for FY 2021-22. Overall, the Administration assumes a one-time budget windfall of over \$20 billion, much of which goes to various forms of COVID relief. In addition, because the Administration and Legislature did not fund a Greenhouse Gas Reduction Fund (GGRF) Budget in FY 2020-21 due to low Cap and Trade Auction revenues, the Governor also proposed two phases of GGRF funding consisting of an early action budget and a regular fiscal year budget. The proposed budget is a significantly better starting point for the Air District than in previous budget cycles.

Attached is a table of programs significant to the Air District, along with budget data from previous years. The budgeting fulfills a promise made by the Governor last year to concentrate GGRF budgeting on several key areas – Assembly Bill (AB) 617, wildfire response, and clean transportation. It also demonstrates the Governor’s commitment to clean transportation from his recent Executive Order.

In addition, the Governor’s Budget also proposes to extend the sunset dates for the Carl Moyer Program, the Air District’s Mobile Source Incentive Fund Program (AB 923), and the California Energy Commission’s AB 118 from January 1, 2024 to January 1, 2046. Going forward on a statewide basis the Carl Moyer Program would be expected to be funded at approximately \$130 million per year, of which the Air District would likely receive over \$20 million per year. The budget also proposes to securitize a portion of future AB 118 revenues to create a fund of up to \$1

billion to expedite electric vehicle charging infrastructure and hydrogen fueling. The securitization component seems to have some early detractors, so this part of the reauthorization may be difficult. Securitization aside though, proposing to extend these programs through the budget process rather than through the normal legislative process is significant.

The Senate and Assembly have begun budget hearings that will continue for several months. Air District staff have been participating and commenting as appropriate. In May, the Governor will release a budget revision (the “May Revise”), and the remainder of May and most of June will be spent reconciling priorities and funding of the Administration, Senate, and Assembly. The budget must be signed by the Governor by July 1, 2021.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 3A: Governor’s Proposed Budget FY 2021-22 vs Previous Years’ Budgets

**Proposed 2021-22 State Budget
Current vs. Previous Years**

Program	FY 19/20 Budget	FY 20/21 Budget	FY 21/22 Proposed Budget Early Action	FY 21/22 Proposed Budget
AB 617 – Implementation	\$50M	\$50M	\$0	\$50M
AB 617 – Incentives	\$245M	\$0	\$125M	\$140M
AB 617 – Community Grants	\$10M	\$0	\$0	\$10M
Clean Vehicle Rebate	\$238M	\$0	\$0	\$0
Clean Truck & Bus	\$182M	\$0	\$165M	\$150M
Ag Diesel Engine Replacement	\$65M	\$0	\$90M	\$80M
Clean Cars For All/ School Bus/Equity	\$65M	\$0	\$74M	\$76M
AB 836 – Clean Air Centers	\$0	\$5M	\$0	\$0
Prescribed Fire	\$2M	\$0	\$0	\$2M
Carl Moyer Program	\$93.6M	\$93.6M	\$0	\$247M

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: Air District-Sponsored Bills

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

This year, the Air District sponsored two bills, AB 426 (Bauer-Kahan) – *Toxic Air Contaminants* and Assembly Bill (AB) 762 (Lee and C. Garcia) – *Hazardous emissions and substances: schoolsites: private and charter schools*.

DISCUSSION

AB 426 was introduced by Assemblymember Bauer-Kahan on February 4, 2021 and has been referred to Assembly Committees on Natural Resources and Transportation. As of this writing, it has not been scheduled for a hearing.

AB 426 is the Air District's response to the direction in the West Oakland Community Emissions Reduction Plan to expand Air District authority over indirect sources. 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 the air districts 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. The bill 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.

AB 762 was introduced by Assembly Members Alex Lee and Cristina Garcia on February 16, 2021 and has been referred to Assembly Environmental Safety and Toxic Materials and Assembly Education. It is scheduled to be heard in Assembly Education on April 7, 2021.

Prior to constructing a new public school, a school district must go through a California Environmental Quality Act (CEQA) process that requires (in the Education Code and Public 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.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 4A: AB 426 (Bauer-Kahan) – Press Release
Attachment 4B: AB 426 (Bauer-Kahan) – Bill Text
Attachment 4C: AB 762 (Lee and C. Garcia) – Press Release
Attachment 4D: AB 762 (Lee and C. Garcia) – Bill Text

Assemblymember Bauer-Kahan Introduces Bills Supporting Clean Air and Clean Energy

FOR IMMEDIATE RELEASE:

Thursday, February 4, 2021

AB 427 would allow home and car battery owners to feed excess power into the state's grid during peak usage preventing blackouts and excess fossil fuel emissions, and AB 426 would create new air pollution data measurements in order to reduce toxic pollutants

Sacramento, CA – Today, Assemblymember Rebecca Bauer-Kahan (D-Orinda) introduced the first two bills of her environmental legislative package for the 2021 session, continuing her commitment to addressing our climate crisis.

In August 2020, over 800,000 homes and businesses in California lost power. During a record heat wave and in the midst of a pandemic, communities, vulnerable residents, and even hospitals were left without electricity. This was the result of serious underestimation of what California's power grid could provide.

At the same time, thousands of Californians had excess clean energy stored in solar-powered home batteries and electric cars. This energy could have filled gaps in supply, during these times of high demand for power, by being aggregated and sold to the grid - helping to prevent devastating outages. The only thing standing in the way is our own regulations.

This untapped energy source can help mitigate blackouts, reduce our reliance on fossil fuels and incentivize consumers to run clean-powered homes. AB 427 requires the California Public Utilities Commission (CPUC) to develop the guidelines necessary for the State to purchase the excess energy stored in consumer's home batteries and electric cars.

"Last summer's rolling blackouts were simply unacceptable," said Bauer-Kahan. "We owe it to Californians to use every tool available in our clean energy arsenal to mitigate these blackouts, while at the same time reducing the state's dependence on fossil fuels. Figuring out appropriate guidelines to tap this massive unused energy source is simply common sense," finished Bauer-Kahan.

Bauer-Kahn also introduced AB 426, the Air Quality Analysis Act, which allows local air districts across the state to collect data from "indirect" sources of pollution, such as distribution centers and warehouses. The air districts would also be allowed to evaluate the health impacts of these pollution sources on surrounding communities. With this data, air districts can look for innovative ways to reduce toxic air contaminants and make our air more breathable.

"Every community deserves safe and breathable air," said Bauer-Kahan. "Communities should not have to be forced to choose between affordable housing and clean air. We should be doing everything in our power to find the sources of these harmful pollutants so we can in turn find solutions for communities," concluded Bauer-Kahan.

"The District is grateful for Assemblymember Bauer-Kahan's authorship of AB 426 and is proud to sponsor this important bill. In addition to causing regional pollution impacts, emissions from transportation and goods movement can cause significant local public health impacts to people that live near large facilities such as warehouses and distribution centers. AB 426 would allow the Air District to better understand these local emission impacts and work with facilities and local communities to improve local air quality," stated Jack Broadbent, Executive Officer of the Bay Area Air Quality Management District.

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Connect with us:



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Sacramento, CA 95814
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Fax: (916) 319-2116

District Office

2440 Camino Ramon,
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San Ramon, CA 94583
Phone: (925) 328-1515

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Bauer-Kahan

February 4, 2021

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

LEGISLATIVE COUNSEL'S DIGEST

AB 426, 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

Assemblymember Alex Lee Introduces Bill to Equally Protect Students from Toxic Sites

FOR IMMEDIATE RELEASE:

Friday, February 19, 2021

SACRAMENTO, CA - AB 762, introduced by Assemblymember Alex Lee (D-25) and Assemblymember Cristina Garcia (D-58) would require charter schools and private schools to follow the same siting requirements as public schools in order to ensure the public health and safety of all students and school employees.

The bill would require private and charter schools to identify nearby sources of air pollution, consult with their local air districts, and meet siting requirements by evaluating the schoolsite for potential hazardous substances, hazardous emissions, or hazardous waste.

"All schools should be required to meet the same safety requirements to ensure all children and school staff are safe from hazardous materials," said Lee. "There's already too much inequality in our education system. Children who attend different types of schools should not be unequally safe."

Existing law requires public schools to follow certain requirements before approving and building a new school. Private schools and some charter schools, however, are not currently subject to all of those requirements before building a new school.

As a result, a school could potentially be built at an unsafe location near sources of hazardous emissions, substances, or waste. Consequently, the public health and safety of the students, teachers, and school employees could be put at risk.

"Children in my district already deal with some of the state's highest levels of toxic air, soil and water. Building a school site on contaminated land just adds insult to injury when the science makes it clear that the toxics affect our children's development and ability to succeed academically," stated Assemblymember Cristina Garcia. "AB 762 will ensure all schools are held to the same high standard and make it clear that a charter school designation is not a license to risk our children's health and safety."

AB 762, sponsored by the Bay Area Air Quality Management District (BAAQMD), would ensure that the governing board of a private school or the governing body of a charter school would not be able to approve a project for the acquisition or purchase of a schoolsite unless:

- It is determined that the property is not a hazardous site or a site that can potentially release hazardous emissions, substances, or waste.
- The administering agency in which the proposed schoolsite is located and any air pollution control district or air quality management district having jurisdiction in the area has been notified in writing and consulted with to identify facilities within the district's authority that might reasonably be anticipated to emit or handle hazardous emissions, substances, or waste.
- A health risk assessment is done that determines that there are no significant pollution sources, and the health risks will not endanger the public health (or that corrective measures will be undertaken to mitigate hazardous emissions).

"In my district, a private elementary and middle school was built right next to a concrete plant in Fremont," said Lee. "That level of chemical and dust exposure can have detrimental impacts on children whose lungs are still developing. These children are being exposed to these toxins every day when they go to school that can lead to developmental and cognitive issues as well as chronic diseases later in life."

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ASSEMBLY BILL**No. 762**

**Introduced by Assembly Members Lee and Cristina Garcia
(Coauthor: Assembly Member Kalra)**

February 16, 2021

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 762, as introduced, Lee. 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 current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance 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 emissions or handle hazardous or extremely hazardous substances or waste, as provided.

This bill would add to those specified conditions whether the property is located on a site within 500 feet of a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, or a site that contains a pipeline that carries specified substances. The bill would additionally prohibit an environmental impact report or negative declaration from being approved for a project involving the purchase of a schoolsite or the construction of a new elementary or secondary school by a charter school, unless those specified conditions are met. By imposing new requirements on school districts, charter schools, lead agencies, 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, as the lead agency, determines that the property to be purchased or built upon is not the site of a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, or a site that contains a pipeline that carries specified substances, and that the school district, as the lead agency, has not identified specified facilities within $\frac{1}{4}$ of one 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 add to those specified conditions that the property is determined to not be located on a site within 500 feet of a freeway or other busy traffic corridor, a current or former hazardous waste disposal site or solid waste disposal site, a hazardous substance release site, or a site that contains a pipeline that carries specified substances. The bill would additionally impose that prohibition on the governing body of a charter school and would require the determination and identification described above to be made by the lead agency. The bill would impose that prohibition, and related requirements, additionally on a private school. By imposing new requirements on school districts, charter schools, lead agencies, cities, and counties, the bill would impose a state-mandated local program.

(3) 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:

3 17213. (a) The governing board of a school district ~~may or~~
4 *the governing body of a charter school shall* not approve a project
5 involving the acquisition of a schoolsite by a school ~~district, district~~
6 *or charter school*, unless all of the following occur:

7 (a)

8 (1) The ~~school district, as the~~ lead agency, as defined in Section
9 21067 of the Public Resources Code, determines that the property
10 purchased or to be 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 the governing body of a charter school* 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 (D) *A site that is within 500 feet of the edge of the closest traffic*
30 *lane of a freeway or other busy traffic corridor.*

1 (E) A site that is within 500 feet of a site specified in
 2 subparagraph (A), (B), or (C).

3 ~~(b)~~

4 (2) ~~The school district, as the lead agency, as defined in Section~~
 5 21067 of the Public Resources Code, in preparing the
 6 environmental impact report or negative declaration has consulted
 7 with the administering agency in which the proposed schoolsite
 8 is located, pursuant to Section 2735.3 of Title 19 of the California
 9 Code of Regulations, and with any air pollution control district or
 10 air quality management district having jurisdiction in the area, to
 11 identify both permitted and nonpermitted facilities within that
 12 district's authority, including, but not limited to, freeways and
 13 other busy traffic corridors, large agricultural operations, and
 14 railyards, within one-fourth of ~~a~~ *one* mile of the proposed
 15 schoolsite, that might reasonably be anticipated to emit hazardous
 16 air emissions, or to handle hazardous or extremely hazardous
 17 materials, substances, or waste. ~~The school district, as the lead~~
 18 ~~agency, agency~~ shall include a list of the locations for which
 19 information is sought.

20 ~~(e)~~

21 (3) The governing board of the school district *or the governing*
 22 *body of a charter school* makes one of the following written
 23 findings:

24 ~~(1)~~

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

27 ~~(2)~~

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

31 ~~(A)~~

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

36 ~~(B)~~

37 (ii) The governing board *of a school district or the governing*
 38 *body of a charter school* finds that corrective measures required
 39 under an existing order by another governmental entity that has
 40 jurisdiction over the facilities or other pollution sources will, before

1 the school is occupied, result in the mitigation of all chronic or
2 accidental hazardous air emissions to levels that do not constitute
3 an actual or potential endangerment of public health to persons
4 who would attend or be employed at the proposed school. If the
5 governing board *of a school district or the governing body of a*
6 *charter school* makes this finding, the governing board *of a school*
7 *district or governing body of a charter school* shall also make a
8 subsequent finding, ~~prior to the~~ *before* occupancy of the school,
9 that the emissions have been mitigated to these levels.

10 ~~(C)~~

11 *(iii)* For a schoolsite with a boundary that is within 500 feet of
12 the edge of the closest traffic lane of a freeway or other busy traffic
13 corridor, the governing board of the school district *or the governing*
14 *body of a charter school* determines, through analysis pursuant to
15 paragraph (2) of subdivision (b) of Section 44360 of the Health
16 and Safety Code, based on appropriate air dispersion modeling,
17 and after considering any potential mitigation measures, that the
18 air quality at the proposed site is such that neither short-term nor
19 long-term exposure poses significant health risks to pupils.

20 ~~(D)~~

21 *(iv)* The governing board *of a school district or the governing*
22 *body of a charter school* finds that ~~neither of the conditions set~~
23 ~~forth in subparagraph (B) clause (ii) or (C) clause (iii) cannot be met,~~
24 and the school district *or charter school* is unable to locate an
25 alternative site that is suitable due to a severe shortage of sites that
26 meet the requirements in subdivision ~~(a) of Section 17213: (a).~~ If
27 the governing ~~board~~ *board of a school district or the governing*
28 *body of a charter school* makes this finding, the governing board
29 *of a school district or the governing body of a charter school* shall
30 adopt a statement of ~~Overriding Considerations~~ *overriding*
31 *considerations* pursuant to Section 15093 of Title 14 of the
32 California Code of Regulations.

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

34 ~~(1) "Hazardous air emissions" means emissions into the ambient~~
35 ~~air of air contaminants that have been identified as a toxic air~~
36 ~~contaminant by the State Air Resources Board or by the air~~
37 ~~pollution control officer for the jurisdiction in which the project~~
38 ~~is located. As determined by the air pollution control officer,~~
39 ~~hazardous air emissions also means emissions into the ambient air~~

- 1 from any substance identified in subdivisions (a) to (f), inclusive,
 2 of Section 44321 of the Health and Safety Code.
- 3 (2) ~~“Hazardous substance” means any substance defined in~~
 4 ~~Section 25316 of the Health and Safety Code.~~
- 5 (3) ~~“Extremely hazardous substances” means any material~~
 6 ~~defined pursuant to paragraph (2) of subdivision (g) of Section~~
 7 ~~25532 of the Health and Safety Code.~~
- 8 (4) ~~“Hazardous waste” means any waste defined in Section~~
 9 ~~25117 of the Health and Safety Code.~~
- 10 (5) ~~“Hazardous waste disposal site” means any site defined in~~
 11 ~~Section 25114 of the Health and Safety Code.~~
- 12 (b) *For purposes of this section, the following definitions apply:*
- 13 (6)
- 14 (1) ~~“Administering agency” means any an agency designated~~
 15 ~~pursuant to Section 25502 of the Health and Safety Code.~~
- 16 (7) ~~“Handle” means handle as defined in Article 1 (commencing~~
 17 ~~with Section 25500) of Chapter 6.95 of Division 20 of the Health~~
 18 ~~and Safety Code.~~
- 19 (2) *“Extremely hazardous substance” means a material defined*
 20 *pursuant to paragraph (2) of subdivision (j) of Section 25532 of*
 21 *the Health and Safety Code.*
- 22 (8)
- 23 (3) ~~“Facilities” means any a source with a potential to use,~~
 24 ~~generate, emit emit, or discharge hazardous air pollutants,~~
 25 ~~including, but not limited to, pollutants that meet the definition of~~
 26 ~~a hazardous substance, and whose process or operation is identified~~
 27 ~~as an emission source pursuant to the most recent list of source~~
 28 ~~categories published by the State Air Resources Board.~~
- 29 (9)
- 30 (4) ~~“Freeway or other busy traffic corridors” corridor” means~~
 31 ~~those roadways that, on an average day, have traffic in excess of~~
 32 ~~50,000 vehicles in a rural area area, as defined in Section 50101~~
 33 ~~of the Health and Safety Code, and 100,000 vehicles in an urban~~
 34 ~~area, as defined in Section 50104.7 of the Health and Safety Code.~~
- 35 (5) *“Handle” means handle as defined in Article 1 (commencing*
 36 *with Section 25500) of Chapter 6.95 of Division 20 of the Health*
 37 *and Safety Code.*
- 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*
4 *air from any substance identified in subdivisions (a) to (f),*
5 *inclusive, of Section 44321 of the Health and Safety Code.*

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

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

10 (9) “Hazardous waste disposal site” means a site defined in
11 Section 25114 of the Health and Safety Code.

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

15
16 Article 3. Private School Schoolsites

17
18 17235. (a) For purposes of this section, the following
19 definitions apply:

20 (1) “Administering agency” means an agency authorized
21 pursuant to Section 25502 of the Health and Safety Code to
22 implement and enforce Chapter 6.95 (commencing with Section
23 25500) of Division 20 of the Health and Safety Code.

24 (2) “Extremely hazardous substance” has the same meaning as
25 defined in paragraph (2) of subdivision (j) of Section 25532 of the
26 Health and Safety Code.

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

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

38 (5) “Handle” has the same meaning as defined in Section 25501
39 of the Health and Safety Code.

1 (6) “Hazardous air emissions” means emissions into the ambient
2 air of air contaminants that have been identified as a toxic air
3 contaminant by the State Air Resources Board or by the air
4 pollution control officer for the jurisdiction in which the project
5 is located. As determined by the air pollution control officer,
6 hazardous air emissions also means emissions into the ambient air
7 from any substances identified in subdivisions (a) to (f), inclusive,
8 of Section 44321 of the Health and Safety Code.

9 (7) “Hazardous substance” has the same meaning as defined in
10 Section 25316 of the Health and Safety Code.

11 (8) “Hazardous waste” has the same meaning as defined in
12 Section 25117 of the Health and Safety Code.

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

16 (b) The governing board of a private school shall not approve
17 the acquisition or purchase of a schoolsite, or the construction of
18 a new elementary or secondary school, by, or for use by, a private
19 school unless all of the following occur:

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

23 (A) The site of a current or former hazardous waste disposal
24 site or solid waste disposal site, unless, if the site was a former
25 solid waste disposal site, the city or county concludes that the
26 wastes have been removed.

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

32 (C) A site that contains one or more pipelines, situated
33 underground or aboveground, that carry hazardous substances,
34 extremely hazardous substances, or hazardous wastes, unless the
35 pipeline is a natural gas line that is used only to supply natural gas
36 to that school or neighborhood, or other nearby schools.

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

39 (E) A site that is within 500 feet of a site specified in
40 subparagraph (A), (B), or (C).

1 (2) (A) The governing board has notified in writing and
2 consulted with the administering agency in which the proposed
3 schoolsite is located, and with any air pollution control district or
4 air quality management district having jurisdiction in the area, to
5 identify both permitted and nonpermitted facilities within that
6 district's authority, including, but not limited to, freeways or other
7 busy traffic corridors, large agricultural operations, and railyards,
8 within one-fourth of one mile of the proposed schoolsite, that might
9 reasonably be anticipated to emit hazardous emissions or handle
10 hazardous or extremely hazardous substances or waste. The
11 notification by the governing board shall include a list of the
12 locations for which information is sought.

13 (B) Each administering agency, air pollution control district, or
14 air quality management district receiving written notification from
15 a governing board to identify facilities pursuant to subparagraph
16 (A) shall provide the requested information and provide a written
17 response to the governing board within 30 days of receiving the
18 notification.

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

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

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

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

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

38 (iii) For a schoolsite with a boundary that is within 500 feet of
39 the edge of the closest traffic lane of a freeway or other busy traffic
40 corridor, the city or county determines, through analysis pursuant

1 to paragraph (2) of subdivision (b) of Section 44360 of the Health
2 and Safety Code, based on appropriate air dispersion modeling,
3 and after considering any potential mitigation measures, that the
4 air quality at the proposed site is such that neither short-term nor
5 long-term exposure poses significant health risks to pupils.

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

11 SEC. 3. Section 21151.8 of the Public Resources Code is
12 amended to read:

13 21151.8. (a) An environmental impact report shall not be
14 certified or a negative declaration shall not be approved for a
15 project involving the purchase of a schoolsite or the construction
16 of a new elementary or secondary school by a school district *or a*
17 *charter school* unless all of the following occur:

18 (1) The environmental impact report or negative declaration
19 includes information that is needed to determine if the property
20 proposed to be purchased, or to be constructed upon, is any of the
21 following:

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

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

30 (C) A site that contains one or more pipelines, situated
31 underground or aboveground, that carries hazardous substances,
32 extremely hazardous substances, or hazardous wastes, unless the
33 pipeline is a natural gas line that is used only to supply natural gas
34 to that school or neighborhood, or other nearby schools.

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

37 (E) *A site that is within 500 feet of a site specified in*
38 *subparagraph (A), (B), or (C).*

39 (2) (A) ~~The school district, as the lead agency, agency in~~
40 preparing the environmental impact report or negative declaration

1 has notified in writing and consulted with the administering agency
2 in which the proposed schoolsite is located, pursuant to Section
3 2735.3 of Title 19 of the California Code of Regulations, and with
4 any air pollution control district or air quality management district
5 having jurisdiction in the area, to identify both permitted and
6 nonpermitted facilities within that district's authority, including,
7 but not limited to, freeways ~~and~~ *or other* busy traffic corridors,
8 large agricultural operations, and railyards, within one-fourth of
9 a *one* mile of the proposed schoolsite, that might reasonably be
10 anticipated to emit hazardous emissions or handle hazardous or
11 extremely hazardous substances or waste. The notification by the
12 ~~school district, as the lead agency,~~ *agency* shall include a list of
13 the locations for which information is sought.

14 (B) Each administering agency, air pollution control district, or
15 air quality management district receiving written notification from
16 a lead agency to identify facilities pursuant to subparagraph (A)
17 shall provide the requested information and provide a written
18 response to the lead agency within 30 days of receiving the
19 notification. The environmental impact report or negative
20 declaration shall be conclusively presumed to comply with
21 subparagraph (A) as to the area of responsibility of an agency that
22 does not respond within 30 days.

23 (C) If the ~~school district, as a lead agency,~~ *agency* has carried
24 out the consultation required by subparagraph (A), the
25 environmental impact report or the negative declaration shall be
26 conclusively presumed to comply with subparagraph (A),
27 notwithstanding any failure of the consultation to identify an
28 existing facility or other pollution source specified in subparagraph
29 (A).

30 (3) The governing board of the school district *or the governing*
31 *body of a charter school* makes one of the following written
32 findings:

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

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

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

1 (ii) Corrective measures required under an existing order by
 2 another agency having jurisdiction over the facilities or other
 3 pollution sources will, before the school is occupied, result in the
 4 mitigation of all chronic or accidental hazardous air emissions to
 5 levels that do not constitute an actual or potential endangerment
 6 of public health to persons who would attend or be employed at
 7 the proposed school. If the governing board *of a school district or*
 8 *the governing body of a charter school* makes a finding pursuant
 9 to this clause, it shall also make a subsequent finding, ~~prior to~~
 10 *before* occupancy of the school, that the emissions have been so
 11 mitigated.

12 (iii) For a schoolsite with a boundary that is within 500 feet of
 13 the edge of the closest traffic lane of a freeway or other busy traffic
 14 corridor, the governing board of the school district *or the governing*
 15 *body of a charter school* determines, through analysis pursuant to
 16 paragraph (2) of subdivision (b) of Section 44360 of the Health
 17 and Safety Code, based on appropriate air dispersion modeling,
 18 and after considering any potential mitigation measures, that the
 19 air quality at the proposed site is such that neither short-term nor
 20 long-term exposure poses significant health risks to pupils.

21 (C) The facilities or other pollution sources specified in
 22 paragraph (2) exist, but conditions in clause (i), (ii), or (iii) of
 23 subparagraph (B) cannot be met, and the school district *or charter*
 24 *school* is unable to locate an alternative site that is suitable due to
 25 a severe shortage of sites that meet the requirements in subdivision
 26 (a) of Section 17213 of the Education Code. If the governing board
 27 *of a school district or the governing body of a charter school* makes
 28 this finding, the governing board *of a school district or the*
 29 *governing body of a charter school* shall adopt a statement of
 30 overriding considerations pursuant to Section 15093 of Title 14
 31 of the California Code of Regulations.

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

34 (1) ~~“Hazardous substance” means any substance defined in~~
 35 ~~Section 25316 of the Health and Safety Code.~~

36 (1) *“Administering agency” means an agency authorized*
 37 *pursuant to Section 25502 of the Health and Safety Code to*
 38 *implement and enforce Chapter 6.95 (commencing with Section*
 39 *25500) of Division 20 of the Health and Safety Code.*

1 (2) “Extremely hazardous substances” means an extremely
2 hazardous ~~substance~~ *substance*, as defined pursuant to paragraph
3 (2) of subdivision ~~(g)~~ (j) of Section 25532 of the Health and Safety
4 Code.

5 ~~(3) “Hazardous waste” means any waste defined in Section~~
6 ~~25117 of the Health and Safety Code.~~

7 ~~(4) “Hazardous waste disposal site” means any site defined in~~
8 ~~Section 25114 of the Health and Safety Code.~~

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

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

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

32 ~~(6) “Administering agency” means an agency authorized~~
33 ~~pursuant to Section 25502 of the Health and Safety Code to~~
34 ~~implement and enforce Chapter 6.95 (commencing with Section~~
35 ~~25500) of Division 20 of the Health and Safety Code.~~

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

39 ~~(8) “Facilities” means any source with a potential to use,~~
40 ~~generate, emit, or discharge hazardous air pollutants, including,~~

1 but not limited to, pollutants that meet the definition of a hazardous
2 substance, and whose process or operation is identified as an
3 emission source pursuant to the most recent list of source categories
4 published by the California Air Resources Board.

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

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

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

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

16 SEC. 4. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.

22 However, if the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: Consideration of New Bills

RECOMMENDED ACTION

The Legislative Committee (Committee) will discuss and review bills and take positions where appropriate.

Staff recommends oppose positions on the following bills:

- Assembly Bill (AB) 905 (Quirk) – Mobile fueling on-demand tank vehicles: performance standards

Staff recommends support positions on the following bills:

- Senate Bill (SB) 30 (Cortese) – Building decarbonization
- SB 31 (Cortese) – Building decarbonization
- SB 32 (Cortese) – Energy: general plan: building decarbonization requirements
- SB 68 (Becker) – Building decarbonization

BACKGROUND

This is the first year of the two-year 2021-2022 Legislative Session. The last day for bills to be introduced this year was February 19, 2021. Bills can be heard in committee 31 days after being introduced, with most bills being heard in committee beginning in mid-March. The attached bill matrix is current as of the date of this agenda item and has been arranged by category.

DISCUSSION

Staff will provide the Committee a brief summary and status of bills on the attached list and will recommend bills to support and oppose during the session. Staff will review other bills that may be of interest to the Committee. Specifically, staff will plan to discuss AB 905 (Quirk), SB 30 (Cortese), SB 31 (Cortese), SB 32 (Cortese), and SB 68 (Becker).

AB 905 (Quirk) – Mobile fueling on-demand tank vehicles: performance standards. On-demand tank fueling seeks to replace traditional gas stations with app-based mobile gas stations that can fuel vehicles anywhere upon request. AB 905 circumvents air districts’ health-focused permitting process and instead treats vehicle fuel loading as a mobile source, subject to oversight only by the California Air Resources Board (CARB). CARB would continue to be able to test tanks, issue equipment certifications and charge a reasonable fee for certification, but local air districts would be prohibited from requiring and enforcing health-protective measures that are currently part of the air districts’ permitting and enforcement process. Staff recommends taking an oppose position.

SB 30 (Cortese) – Building decarbonization. This bill focuses on state buildings, prohibiting new state buildings from being connected to the natural gas grid. This bill will send a strong market signal to technology manufacturers and providers and will provide a push for decarbonization in statewide (and local) building codes. Staff recommends taking a support position.

SB 31 (Cortese) – Building decarbonization. This bill focuses on non-state buildings by creating programs and directing funding to building decarbonization, particularly funding for low-income customers. This bill may provide much-needed support for financing the transition to decarbonized buildings. Staff recommends taking a support position.

SB 32 (Cortese) – Energy: general plan: building decarbonization requirements. This bill addresses building decarbonization through general plans, requiring cities and counties to amend their general plans to include goals, policies, and strategies to decarbonize new residential and commercial buildings. This is consistent with the Air District’s approach to updating California Environmental Quality Act (CEQA) greenhouse gas (GHG) thresholds. Staff recommends taking a support position.

SB 68 (Becker) – Building Decarbonization – This bill requires the California Energy Commission (CEC) to develop and publish online a guide for building electrification (with model codes, checklists, etc.) and to submit to the Legislature a report on barriers to electrifying existing buildings and to adding energy storage or vehicle charging equipment to existing buildings. It also would require the statewide Electric Program Investment Charge (EPIC) program to add/include technologies “that lead to” building electrification as fundable under the program. Staff recommends taking a support position.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 5A: Current Bills of Interest Matrix
Attachment 5B: AB 905 (Quirk) – Bill Text
Attachment 5C: AB 905 (Quirk) – Fact Sheet
Attachment 5D: SB 30 (Cortese) – Bill Text
Attachment 5E: SB 30 (Cortese) – Fact Sheet
Attachment 5F: SB 31 (Cortese) – Bill Text
Attachment 5G: SB 31 (Cortese) – Fact Sheet
Attachment 5H: SB 32 (Cortese) – Bill Text
Attachment 5I: SB 32 (Cortese) – Fact Sheet
Attachment 5J: SB 68 (Becker) – Bill Text

AGENDA 5A - ATTACHMENT

Bill #	Author	Subject	Last Status - As of 3/11/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 11	Ward	Climate change: regional climate change authorities.	1/25/2021-Re-referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Climate Change
AB 39	Chau	California-China Climate Institute.	1/11/2021-Referred to Coms. on HIGHER ED. and NAT. RES.	1/11/2021-A. HIGHER ED.			Low	Climate Change
AB 51	Quirk	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	1/11/2021-Referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Climate Change
AB 284	Rivas, Robert	California Global Warming Solutions Act of 2006: climate goal: natural and working lands.	1/28/2021-Referred to Com. on NAT. RES.	1/28/2021-A. NAT. RES.			Low	Climate Change
AB 897	Mullin	Office of Planning and Research: regional climate networks: climate adaptation action plans.	2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	Climate Change
AB 943	Garcia, Eduardo	California Global Warming Solutions Act of 2006.	2/18/2021-From printer. May be heard in committee March 20.	2/17/2021-A. PRINT	Spot bill.		Low	Climate Change
AB 1086	Aguiar-Curry	Organic waste: implementation strategy.	3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Low	Climate Change
AB 1395	Muratsuchi	Greenhouse gases: carbon neutrality.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Climate Change
AB 1463	O'Donnell	California Global Warming Solutions Act of 2006: Low Carbon Fuel Standard regulations.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Climate Change
AB 1523	Gallagher	Greenhouse gases.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Climate Change
SB 27	Skinner	Carbon sequestration: state goals: natural and working lands: registry of projects.	3/3/2021-Set for hearing March 15.	1/28/2021-S. E.Q.			Low	Climate Change
SB 30	Cortese	Building decarbonization.	1/28/2021-Referred to Com. on G.O.	1/28/2021-S. G.O.		Propose Support	Medium	Climate Change
SB 31	Cortese	Building decarbonization.	3/5/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.	1/28/2021-S. E. U., & C.		Propose Support	Medium	Climate Change
SB 68	Becker	Building decarbonization.	3/7/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	12/7/2020-S. RLS.		Propose Support	Low	Climate Change
SB 260	Wiener	Climate Corporate Accountability Act.	2/22/2021-Art. IV, Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)	2/3/2021-S. E.Q.			Medium	Climate Change
SB 449	Stern	Climate-related financial risk.	3/4/2021-Set for hearing April 7.	2/25/2021-S. B. & F. I.			Low	Climate Change
SB 456	Laird	Fire prevention: long-term forest management plan: reports.	3/8/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/16/2021-S. RLS.	Intent bill.		Low	Climate Change
SB 582	Stern	Climate Emergency Mitigation, Safe Restoration, and Just Resilience Act of 2021.	3/10/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/18/2021-S. RLS.	Intent bill.		Low	Climate Change
SB 596	Becker	Greenhouse gases: cement and concrete production.	3/4/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/18/2021-S. RLS.			Medium	Climate Change
SB 759	Hueso	Short-lived climate pollutants: methane: organic waste: landfills.	3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Spot bill.		Low	Climate Change
AB 5	Fong	Greenhouse Gas Reduction Fund: High Speed Rail Authority: K-12 education: transfer and loan.	1/11/2021-Referred to Coms. on TRANS. and NAT. RES.	1/11/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 96	O'Donnell	California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program.	1/11/2021-Referred to Coms. on TRANS. and NAT. RES.	1/11/2021-A. TRANS.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 113	Boerner Horvath	Transportation electrification: electric vehicles: grid integration.	1/11/2021-Read first time.	12/17/2020-A. PRINT	Spot bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 117	Boerner Horvath	Air Quality Improvement Program: electric bicycles.	1/11/2021-Read first time. Referred to Coms. on TRANS. and NAT. RES.	1/11/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 363	Medina	Carl Moyer Memorial Air Quality Standards Attainment Program.	2/12/2021-Referred to Com. on TRANS.	2/12/2021-A. TRANS.		Oppose	Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 365	O'Donnell	Sales and use taxes: exclusion: zero-emission and near-zero-emission drayage trucks.	2/12/2021-Referred to Com. on REV. & TAX.	2/12/2021-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 648	Fong	Greenhouse Gas Reduction Fund: healthy forest and fire prevention: appropriation.	2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 649	Bennett	CalRecycle Greenhouse Gas Reduction Revolving Loan Program.	2/13/2021-From printer. May be heard in committee March 15.	2/12/2021-A. PRINT			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Status - As of 3/11/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 713	Garcia, Cristina	Greenhouse gases: market-based compliance mechanism: price ceiling.	2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Spot bill. Cap and Trade		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 745	Gipson	Air pollution: Clean Cars 4 All program.	2/25/2021-Referred to Com. on TRANS.	2/25/2021-A. TRANS.	Clean Cars for All		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 776	Mathis	Methane: dairy digesters.	2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Intent bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 794	Carrillo	Air pollution: financial incentive programs.	2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Intent bill.		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 823	Gray	High-Speed Rail Authority: trains powered by fossil fuel combustion engines.	2/25/2021-Referred to Com. on TRANS.	2/25/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 833	Quirk-Silva	State government: grants: administrative costs.	2/25/2021-Referred to Com. on A. & A.R.	2/25/2021-A. A. & A.R.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 906	Carrillo	Zero-emission trucks: tax and fee exemptions.	2/25/2021-Referred to Coms. on REV. & TAX. and TRANS.	2/25/2021-A. REV. & TAX			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 965	Levine	Building standards: electric vehicle charging infrastructure.	3/4/2021-Referred to Com. on H. & C.D.	3/4/2021-A. H. & C.D.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 992	Cooley	Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project.	3/4/2021-Referred to Coms. on TRANS. and NAT. RES.	3/4/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1147	Friedman	Regional transportation plan: electric bicycles.	3/4/2021-Referred to Coms. on TRANS. and NAT. RES.	3/4/2021-A. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1312	Rodriguez	Vehicular fuels: renewable and clean hydrogen: income tax: credit.	3/4/2021-Referred to Coms. on NAT. RES. and REV. & TAX.	3/4/2021-A. NAT. RES.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1389	Reyes	Alternative and Renewable Fuel and Vehicle Technology Program.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Intent bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 1500	Garcia, Eduardo	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 45	Portantino	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	2/17/2021-Set for hearing March 16.	1/28/2021-S. N.R. & W.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 66	Allen	California Council on the Future of Transportation: advisory committee: autonomous vehicle technology.	2/25/2021-Re-referred to Com. on TRANS.	2/25/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 227	Jones	Off-highway vehicles.	3/10/2021-Set for hearing April 13.	1/28/2021-S. TRANS.			Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 261	Allen	Regional transportation plans: sustainable communities strategies.	3/3/2021-Set for hearing March 15.	2/4/2021-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 339	Wiener	Vehicles: road usage charge pilot program.	3/10/2021-Set for hearing April 13.	2/17/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 372	Leyva	Medium- and heavy-duty fleet purchasing assistance program: zero-emission vehicles.	3/4/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/10/2021-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 495	Dahle	California Global Warming Solutions Act of 2006: scoping plan: Greenhouse Gas Reduction Fund.	3/5/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/17/2021-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 500	Min	Autonomous vehicles: zero emissions.	3/10/2021-Set for hearing April 13.	2/25/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 506	Jones	California Environmental Quality Act: Greenhouse Gas Reduction Fund monies: greenhouse gas emissions: vegetation management projects.	3/1/2021-Set for hearing March 16.	2/25/2021-S. N.R. & W.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 527	Melendez	Greenhouse Gas Reduction Fund: high-speed rail: Salton Sea restoration.	2/25/2021-Referred to Coms. on E.Q., TRANS., and N.R. & W. Referral to Com. on N.R. & W. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.	2/25/2021-S. E.Q.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 542	Limón	Zero-emission vehicles: fees.	3/10/2021-Set for hearing April 13.	3/3/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 551	Stern	California Electric Vehicle Authority.	3/4/2021-Referral to Com. on E., U. & C. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.	3/4/2021-S. E. U., & C.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 589	Hueso	Air pollution: alternative vehicles and vehicle infrastructure.	3/3/2021-Referred to Coms. on E., U. & C. and TRANS.	3/3/2021-S. E. U., & C.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 643	Archuleta	Fuel cell electric vehicle fueling infrastructure and fuel production: statewide assessment.	3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade

Bill #	Author	Subject	Last Status - As of 3/11/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
SB 671	Gonzalez	Transportation: Clean Freight Corridor Efficiency Program.	3/10/2021-Set for hearing April 13.	3/3/2021-S. TRANS.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 726	Gonzalez	Alternative and Renewable Fuel and Vehicle Technology Program.	3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Intent bill.		Medium	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 771	Becker	Sales and Use Tax Law: zero emissions vehicle exemption.	3/3/2021-Referred to Com. on GOV. & F.	3/3/2021-S. GOV. & F.			Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
SB 798	Wieckowski	Trade Corridor Enhancement Account.	3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Spot bill.		Low	GGRF, Incentive Programs, Mobile Source, Cap and Trade
AB 220	Voepel	Smog check: exemption.	1/28/2021-Referred to Com. on TRANS.	1/28/2021-A. TRANS.		Oppose	Medium	General-Air District
AB 426	Bauer-Kahan	Toxic air contaminants.	2/12/2021-Referred to Coms. on NAT. RES. and TRANS.	2/12/2021-A. NAT. RES.		Air District-Sponsored	High	General-Air District
AB 467	Grayson	Smog check: exemption: historic vehicles.	2/18/2021-Referred to Com. on TRANS.	2/18/2021-A. TRANS.		Oppose	Medium	General-Air District
AB 762	Lee	Hazardous emissions and substances: schoolsites: private and charter schools.	2/25/2021-Referred to Coms. on E.S. & T.M. and ED.	2/25/2021-A. E.S. & T.M.		Air District-Sponsored	High	General-Air District
AB 766	Gabriel	Ambient air quality standards.	2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Spot bill.		Medium	General-Air District
AB 905	Quirk	Mobile fueling on-demand tank vehicles: performance standards.	2/25/2021-Referred to Coms. on TRANS. and NAT. RES.	2/25/2021-A. TRANS.		Propose Oppose	Medium	General-Air District
AB 1296	Kamlager	South Coast Air Quality Management District: district board: membership.	3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Low	General-Air District
AB 1547	Reyes	Air pollution: warehouse facilities.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Intent bill.		Medium	General-Air District
AB 9	Wood	Wildfires.	12/8/2020-From printer. May be heard in committee January 7.	12/7/2020-A. PRINT	Intent bill. Maybe prescribed fire.		Medium	Wildfire/Smoke/PSPS
AB 52	Frazier	California Global Warming Solutions Act of 2006: scoping plan updates: wildfires.	1/11/2021-Referred to Com. on NAT. RES.	1/11/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
AB 73	Rivas, Robert	Employment safety: agricultural workers: wildfire smoke.	2/3/2021-Re-referred to Com. on L. & E.	1/11/2021-A. L. & E.			Low	Wildfire/Smoke/PSPS
AB 297	Gallagher	Fire prevention.	2/12/2021-Referred to Coms. on NAT. RES. and REV. & TAX.	2/12/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
AB 575	Fong	Civil liability: prescribed burning activities: gross negligence.	2/18/2021-Referred to Coms. on JUD. and NAT. RES.	2/18/2021-A. JUD.			Low	Wildfire/Smoke/PSPS
AB 619	Calderon	Lung health.	2/25/2021-Referred to Coms. on HEALTH and E.M.	2/25/2021-A. HEALTH			Low	Wildfire/Smoke/PSPS
AB 642	Friedman	Wildfires.	2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
AB 792	Flora	Forestry: prescribed burning agreements.	2/25/2021-Referred to Com. on NAT. RES.	2/25/2021-A. NAT. RES.			Low	Wildfire/Smoke/PSPS
AB 800	Gabriel	Wildfires: mitigation and prevention.	2/17/2021-From printer. May be heard in committee March 19.	2/16/2021-A. PRINT	Intent bill.		Low	Wildfire/Smoke/PSPS
AB 1100	Aguiar-Curry	Communications service: emergencies and disasters: reports.	3/4/2021-Referred to Coms. on C. & C. and E.M.	3/4/2021-A. C. & C.			Low	Wildfire/Smoke/PSPS
AB 1512	Bauer-Kahan	Forest practices: burning of brush-covered lands.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Wildfire/Smoke/PSPS
SB 52	Dodd	State of emergency: local emergency: sudden and severe energy shortage: planned power outage.	3/9/2021-From committee: Do pass and re-refer to Com. on APPR. (Ayes 13. Noes 0.) (March 9). Re-referred to Com. on APPR.	3/9/2021-S. APPR.			Low	Wildfire/Smoke/PSPS
SB 63	Stern	Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.	2/17/2021-Set for hearing March 16.	1/28/2021-S. N.R. & W.			Low	Wildfire/Smoke/PSPS
SB 332	Dodd	Civil liability: prescribed burning operations: gross negligence.	2/22/2021-Art. IV, Sec. 8(a) of the Constitution dispensed with. (Ayes 32. Noes 4.) Joint Rule 55 suspended. (Ayes 32. Noes 4.)	2/17/2021-S. JUD.			Low	Wildfire/Smoke/PSPS
AB 214	Ting	Budget Act of 2021.	1/28/2021-Referred to Com. on BUDGET.	1/28/2021-A. BUDGET			High	Other
AB 339	Lee	State and local government: open meetings.	1/29/2021-From printer. May be heard in committee February 28.	1/28/2021-A. PRINT			Low	Other
AB 844	Grayson	Green empowerment zone: County of Contra Costa.	2/18/2021-From printer. May be heard in committee March 20.	2/17/2021-A. PRINT			Low	Other

Bill #	Author	Subject	Last Status - As of 3/11/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 983	Garcia, Eduardo	Public contracts: construction projects: community workforce agreements.	3/4/2021-Referred to Com. on L. & E.	3/4/2021-A. L. & E.			Low	Other
AB 1005	Muratsuchi	Scientific Review Panel on Toxic Air Contaminants.	2/19/2021-From printer. May be heard in committee March 21.	2/18/2021-A. PRINT	Spot bill.		Low	Other
AB 1205	Frazier	State Air Resources Board: elections.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Intent bill.		Low	Other
AB 1240	Ting	Indoor air pollution.	3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Medium	Other
AB 1270	Rivas, Luz	Natural gas: leaks.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Intent bill.		Low	Other
AB 1346	Berman	Elections: ballots.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Spot bill.		Low	Other
AB 1365	Bonta	Public contracts: clean concrete.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Other
AB 1397	Garcia, Eduardo	Public contracts: California Lithium Economy Act.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Other
SB 7	Atkins	Environmental quality: Jobs and Economic Improvement Through Environmental Leadership Act of 2021.	3/1/2021-Read third time. Urgency clause adopted. Passed. (Ayes 34. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	3/1/2021-A. DESK			Low	Other
SB 112	Skinner	Budget Act of 2021.	1/11/2021-From printer. Read first time. Referred to Com. on B. & F.R.	1/11/2021-S. BUDGET & F.R.			High	Other
SB 467	Wiener	Oil and gas: hydraulic fracturing, acid well stimulation treatments, steam flooding, water flooding, or cyclic steaming: prohibition: job relocation.	2/25/2021-Referred to Coms. on N.R. & W. and E.Q.	2/25/2021-S. N.R. & W.			Low	Other
SB 475	Cortese	Transportation planning: sustainable communities strategies.	3/10/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/17/2021-S. RLS.	Intent bill.		Low	Other
SB 560	Rubio	Climate Pollution Reduction in Homes Initiative: grants.	3/3/2021-Referred to Com. on E., U. & C.	3/3/2021-S. E. U., & C.			Medium	Other
AB 585	Rivas, Luz	Climate change: Extreme Heat and Community Resilience Program.	2/18/2021-Referred to Com. on NAT. RES.	2/18/2021-A. NAT. RES.			Low	Environmental Justice
AB 680	Burke	Greenhouse Gas Reduction Fund: California Just Transition Act.	2/25/2021-Referred to Coms. on L. & E. and NAT. RES.	2/25/2021-A. L. & E.			Medium	Environmental Justice
AB 976	Rivas, Luz	Resilient Economies and Community Health Pilot Program.	3/4/2021-Referred to Com. on NAT. RES.	3/4/2021-A. NAT. RES.			Low	Environmental Justice
AB 1069	Lackey	Zero-emission passenger vehicles: underrepresented communities.	3/4/2021-Referred to Com. on TRANS.	3/4/2021-A. TRANS.			Low	Environmental Justice
AB 1087	Chiu	Environmental Justice Community Resilience Hubs Program.	3/4/2021-Referred to Coms. on U. & E. and NAT. RES.	3/4/2021-A. U. & E.			Low	Environmental Justice
AB 1099	Rivas, Robert	State funding: environmental equity.	2/19/2021-From printer. May be heard in committee March 21.	2/18/2021-A. PRINT	Intent bill.		Low	Environmental Justice
AB 1218	McCarty	Motor vehicle greenhouse gas emissions standards: civil penalty: Equitable Access to Zero-Emissions Vehicles Fund.	3/4/2021-Referred to Com. on TRANS.	3/4/2021-A. TRANS.			Low	Environmental Justice
AB 1453	Muratsuchi	Environmental justice: Just Transition Advisory Commission: Just Transition Plan.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Environmental Justice
SB 342	Gonzalez	South Coast Air Quality Management District: board membership.	3/10/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	2/9/2021-S. RLS.			Low	Environmental Justice
SB 499	Leyva	General plan: land use element: uses adversely impacting health outcomes.	2/25/2021-Referred to Coms. on GOV. & F. and E.Q.	2/25/2021-S. GOV. & F.			Low	Environmental Justice
SB 751	Gonzalez	Environmental justice.	3/3/2021-Referred to Com. on RLS.	2/19/2021-S. RLS.	Intent bill.		Low	Environmental Justice
AB 28	Chau	Service stations: definition: alternative fuels.	1/11/2021-Referred to Com. on TRANS.	1/11/2021-A. TRANS.			Low	Energy
AB 33	Ting	Natural gas.	1/11/2021-Referred to Coms. on U. & E. and NAT. RES.	1/11/2021-A. U. & E.			Low	Energy
AB 64	Quirk	Electricity: renewable energy and zero-carbon resources: state policy: strategy.	1/11/2021-Referred to Coms. on U. & E. and NAT. RES.	1/11/2021-A. U. & E.			Low	Energy
AB 1161	Garcia, Eduardo	Electricity: eligible renewable energy and zero-carbon resources: state agencies: procurement.	3/4/2021-Referred to Coms. on U. & E. and NAT. RES.	3/4/2021-A. U. & E.			Low	Energy
AB 1261	Burke	Renewable gas.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Spot bill.		Low	Energy

Bill #	Author	Subject	Last Status - As of 3/11/2021	Location	Notes	Position	Priority (Low/Medium/High)	Category
AB 1317	Berman	Clean energy.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Energy
AB 1325	Burke	Microgrids: Clean Community Microgrid Incentive Program.	3/4/2021-Referred to Com. on U. & E.	3/4/2021-A. U. & E.			Low	Energy
AB 1469	Santiago	Energy: energy efficiency programs.	2/22/2021-Read first time.	2/19/2021-A. PRINT			Low	Energy
AB 1559	O'Donnell	Renewable natural gas.	2/22/2021-Read first time.	2/19/2021-A. PRINT	Intent bill.		Low	Energy
SB 18	Skinner	Green hydrogen.	3/2/2021-Set for hearing March 15.	1/28/2021-S. E. U., & C.			Low	Energy
SB 32	Cortese	Energy: general plan: building decarbonization requirements.	1/28/2021-Referred to Com. on GOV. & F.	1/28/2021-S. GOV. & F.		Propose Support	Medium	Energy
SB 36	Skinner	Energy efficiency.	1/28/2021-Referred to Com. on RLS.	12/7/2020-S. RLS.	Spot bill.		Low	Energy
SB 67	Becker	Clean energy: California 24/7 Clean Energy Standard Program.	3/3/2021-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.	12/7/2020-S. RLS.			Low	Energy
SB 99	Dodd	Community Energy Resilience Act of 2021.	1/28/2021-Referred to Com. on E, U, & C.	1/28/2021-S. E. U., & C.			Low	Energy
SB 345	Becker	Energy programs and projects: nonenergy benefits.	3/2/2021-Set for hearing March 15.	2/17/2021-S. E. U., & C.			Low	Energy
SB 513	Hertzberg	Eligible fuel cell electrical generating facilities.	2/25/2021-Referred to Com. on RLS.	2/17/2021-S. RLS.			Low	Energy
SB 662	Archuleta	Energy: transportation sector: green hydrogen.	3/4/2021-Referral to Com. on TRANS. rescinded because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus.	3/4/2021-S. TRANS.			Low	Energy
Total Active Bills	125						Low: 98 Medium: 23 High: 4	

ASSEMBLY BILL**No. 905**

**Introduced by Assembly Member Quirk
(Coauthors: Assembly Members Bauer-Kahan, Berman, Flora, and
Grayson)**

February 17, 2021

An act to amend Sections 41950 and 41962 of, and to add Section 39618.5 to, the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 905, as introduced, Quirk. Mobile fueling on-demand tank vehicles: performance standards.

(1) Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution and 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 makes a violation of a rule or regulation of the state board a misdemeanor.

This bill would require the state board to regulate a mobile fueling on-demand tank vehicle, as defined, as a mobile source, and, contingent upon an appropriation by the Legislature for this purpose, to adopt regulations on or before a specified date to control emissions attributable to mobile fueling on-demand tank vehicles and to certify equipment for those vehicles, as provided. The bill would authorize the state board to allow the use of onboard refueling vapor recovery (ORVR) systems to achieve or maintain the standards and procedures adopted in those regulations for the control of gasoline vapors resulting from the motor

vehicle fueling operations of a mobile fueling on-demand tank vehicle. Because a violation of those regulations would be a crime, the bill would impose a state-mandated local program.

The bill would prohibit a person from operating, or allowing the operation of, a mobile fueling on-demand tank vehicle, unless it is equipped with a vapor recovery system that is certified by the state board, or that meets permeation and spillage performance standards determined by the state board, and is installed, operated, and maintained in compliance with the state board's requirements for certification.

The bill would require the state board to assess a fee on mobile fueling on-demand tank vehicles to recover the reasonable costs of implementing these provisions, and would require the fee to be deposited in the Air Pollution Control Fund and to be available for expenditure upon appropriation by the Legislature. The bill would require that the fee be adjusted annually based on the California Consumer Price Index as compiled and reported by the Department of Industrial Relations.

(2) Existing law prohibits a person from installing or maintaining a stationary gasoline tank with a capacity of 250 gallons or more that is not equipped for loading through a permanent submerged fill pipe, unless the tank is a pressure tank, as specified, or is equipped with a vapor recovery system, as specified, or with a floating roof, as specified, or unless the tank is equipped with other apparatus of equal efficiency that has been approved by the air pollution control officer in whose district the tank is located.

This bill would allow a person to install or maintain a mobile fueling on-demand tank vehicle, or a system on that vehicle, that is certified by the state board and meets certain requirements and that is not equipped for loading through a permanent submerged fill pipe, even if the tank is a pressure tank, as specified, or is not equipped with a vapor recovery system, as specified, or does not have a floating roof, as specified, or if the tank is not equipped with other apparatus of equal efficiency that has been approved by the air pollution control officer in whose district the tank is located.

The bill would require that a mobile fueling on-demand tank vehicle be loaded exclusively through bottom loading equipment certified by the state board, unless the vehicle includes a vapor recovery system that is certified by the state board.

(3) Existing law requires the state board to adopt performance standards to ensure that systems for the control of gasoline vapors resulting from motor vehicle fueling operations do not cause excessive

gasoline liquid spillage when used in a proper manner. Existing law requires the state board to adopt test procedures to determine the compliance with vapor emission standards of vapor recovery systems of cargo tanks on tank vehicles used to transport gasoline, as provided. Existing law prohibits an air district from adopting test procedures for, or requiring certification of, cargo tank vapor recovery system and from imposing fees on, or requiring a permit of, tank vehicles with vapor recovery systems, but provides that an air district is not prohibited from inspecting and testing cargo tank vapor recovery systems on tank vehicles for specified purposes.

This bill would provide that an air district is additionally not prohibited from inspecting and testing emissions control systems on mobile fueling on-demand tank vehicles for those same purposes.

(4) 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 no reimbursement is required by this act for a specified reason.

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 39618.5 is added to the Health and Safety
2 Code, to read:

3 39618.5. (a) A mobile fueling on-demand tank vehicle, as
4 defined in paragraph (2) of subdivision (c) of Section 41950, shall
5 be regulated by the state board as a mobile source. Contingent
6 upon an appropriation by the Legislature for this purpose, the state
7 board shall adopt regulations on or before January 1 of the year
8 following the date on which the appropriation is provided to control
9 emissions attributable to mobile fueling on-demand tank vehicles
10 and to certify equipment for those vehicles pursuant to this section
11 and Section 41962.

12 (b) The state board may authorize the use of onboard refueling
13 vapor recovery (ORVR) systems to achieve or maintain the
14 standards and procedures adopted in regulations pursuant to this
15 section for the control of gasoline vapors resulting from the motor
16 vehicle fueling operations of a mobile fueling on-demand tank
17 vehicle.

1 (c) (1) The state board shall assess a fee on mobile fueling
2 on-demand tank vehicles to recover the reasonable costs of
3 implementing this section and paragraph (2) of subdivision (g) of
4 Section 41962.

5 (2) The fee imposed pursuant to paragraph (1) shall be adjusted
6 annually based on the California Consumer Price Index as compiled
7 and reported by the Department of Industrial Relations.

8 (3) All fees collected by the state board pursuant to this
9 subdivision shall be deposited in the Air Pollution Control Fund
10 and shall be available for expenditure upon appropriation by the
11 Legislature.

12 SEC. 2. Section 41950 of the Health and Safety Code is
13 amended to read:

14 41950. (a) Except as provided in ~~subdivisions (b) and (c), no~~
15 *subdivision (b), a person shall not install or maintain any a*
16 *stationary gasoline tank with a capacity of 250 gallons or more*
17 *which that is not equipped for loading through a permanent*
18 *submerged fill pipe, unless such the tank is a pressure tank as*
19 *described in Section 41951, or is equipped with a vapor recovery*
20 *system as described in Section 41952 or with a floating roof as*
21 *described in Section 41953, or unless such the tank is equipped*
22 *with other apparatus of equal efficiency which that has been*
23 *approved by the air pollution control officer in whose district the*
24 *tank is located.*

25 (b) Subdivision (a) shall not apply to any ~~stationary tanks~~
26 *installed prior to December 31, 1970: of the following:*

27 (1) *A stationary tank installed before December 31, 1970.*

28 (2) *A stationary tank that is used primarily for the fueling of*
29 *implements of husbandry.*

30 (3) (A) *A mobile fueling on-demand tank vehicle, or system on*
31 *that vehicle, that is certified by the state board and meets the*
32 *applicable requirements in this paragraph and Sections 39618.5,*
33 *41954, and 41962.*

34 (B) *A mobile fueling on-demand tank vehicle shall be loaded*
35 *exclusively through bottom loading equipment certified by the state*
36 *board, and shall not be loaded in any other manner, including,*
37 *but not limited to, top loading or splash loading, unless the vehicle*
38 *includes a vapor recovery system that is certified by the state*
39 *board.*

1 (c) For ~~the purpose~~ *purposes* of this section, ~~“gasoline”~~ *the*
2 *following definitions apply:*

3 (1) “Gasoline” means any petroleum distillate having a Reid
4 vapor pressure of four pounds or greater.

5 (2) (A) “*Mobile fueling on-demand tank vehicle*” means a tank
6 truck or trailer, as defined by the state board in its standards and
7 procedures adopted pursuant to subdivision (a) of Section 39618.5,
8 that is equipped with an onboard cargo tank system designed to
9 load, transport, and transfer gasoline directly from the onboard
10 cargo tank into a motor vehicle fuel tank.

11 (B) The state board shall determine the tank capacity of a mobile
12 fueling on-demand tank vehicle that will be subject to the
13 regulations adopted pursuant to subdivision (a) of Section 39618.5.

14 (d) For ~~the purpose~~ *purposes* of this section, “submerged fill
15 pipe” means ~~any a fill pipe which~~ *that* has its discharge opening
16 entirely submerged when the liquid level is six inches above the
17 bottom of the tank. “Submerged fill pipe,” when applied to a tank
18 ~~which that~~ is loaded from the side, means ~~any a fill pipe which~~
19 *that* has its discharge opening entirely submerged when the liquid
20 level is 18 inches above the bottom of the tank.

21 (e) ~~Subdivision (a) shall not apply to any stationary tank which~~
22 ~~is used primarily for the fueling of implements of husbandry.~~

23 SEC. 3. Section 41962 of the Health and Safety Code is
24 amended to read:

25 41962. (a) Notwithstanding Section 34002 of the Vehicle
26 Code, the state board shall adopt test procedures to determine the
27 compliance of vapor recovery systems of cargo tanks on tank
28 vehicles used to transport gasoline with vapor emission standards
29 ~~which that~~ are reasonable and necessary to achieve or maintain
30 any applicable ambient air quality standard. The performance
31 standards and test procedures adopted by the state board shall be
32 consistent with the regulations adopted by the Commissioner of
33 the California Highway Patrol and the State Fire Marshal pursuant
34 to Division 14.7 (commencing with Section ~~34001~~ 34000) of the
35 Vehicle Code.

36 (b) The state board may test, or contract for testing, the vapor
37 recovery system of ~~any a~~ cargo tank of ~~any a~~ tank vehicle used to
38 transport gasoline. The state board shall certify the cargo tank
39 vapor recovery system upon its determination that the system, if
40 properly installed and maintained, will meet the requirements of

1 subdivision (a). The state board shall enumerate the specifications
 2 used for issuing ~~such~~ *the* certification. After a cargo tank vapor
 3 recovery system has been certified, if circumstances beyond *the*
 4 control of the state board cause the system to no longer meet the
 5 required specifications, the certification may be revoked or
 6 modified.

7 (c) Upon verification of certification pursuant to subdivision
 8 (b), which shall be done annually, the state board shall send a
 9 verified copy of the certification to the registered owner of the
 10 tank vehicle, which copy shall be retained in the tank vehicle as
 11 evidence of certification of its vapor recovery system. For each
 12 system certified, the state board shall issue a nontransferable and
 13 nonremovable decal to be placed on the cargo tank where the decal
 14 can be readily seen.

15 (d) With respect to ~~any~~ *a* tank vehicle operated within a district,
 16 the state board, upon request of the district, shall send to the
 17 district, free of charge, a certified copy of the certification and test
 18 results of ~~any~~ *a* cargo tank vapor recovery system on the tank
 19 vehicle.

20 (e) The state board may contract with the Department of the
 21 California Highway Patrol to carry out the responsibilities imposed
 22 by subdivisions (b), (c), and (d).

23 (f) The state board shall charge a reasonable fee for certification,
 24 not to exceed its estimated costs ~~therefor~~ *of certification*. Payment
 25 of the fee shall be a condition of certification. The fees may be
 26 collected by the Department of the California Highway Patrol and
 27 deposited in the Motor Vehicle Account in the State Transportation
 28 Fund. The Department of the California Highway Patrol shall
 29 transfer to the Air Pollution Control Fund the amount of those fees
 30 necessary to reimburse the state board for the costs of administering
 31 the certification program.

32 ~~(g) No~~

33 (g) (1) A person shall *not* operate, or allow the operation of, a
 34 tank vehicle transporting gasoline ~~and that is~~ required to have a
 35 vapor recovery system, unless the system thereon has been certified
 36 by the state board and is installed and maintained in compliance
 37 with the state board's requirements for certification. Tank vehicles
 38 used exclusively to service gasoline storage tanks ~~which that~~ are
 39 not required to have gasoline vapor controls are exempt from the
 40 certification requirement.

1 (2) A person shall not operate, or allow the operation of, a
 2 mobile fueling on-demand tank vehicle, unless it is equipped with
 3 a vapor recovery system that is certified by the state board, or that
 4 meets permeation and spillage performance standards determined
 5 by the state board, and is installed, operated, and maintained in
 6 compliance with the state board's requirements for certification
 7 pursuant to this section and Sections 39618.5 and 41954.

8 (h) Performance standards of ~~any~~ a district for cargo tank vapor
 9 recovery systems on tank vehicles used to transport gasoline shall
 10 be identical ~~with~~ to those adopted by the state board ~~therefor~~ and
 11 ~~no~~ a district shall not adopt test procedures for, or require
 12 certification of, cargo tank vapor recovery systems. ~~No~~ A district
 13 ~~may~~ shall not impose any fees on, or require any permit of, tank
 14 vehicles with vapor recovery systems. However, ~~nothing in~~ this
 15 section ~~shall be construed to~~ does not prohibit a district from
 16 inspecting and testing cargo tank vapor recovery systems on tank
 17 ~~vehicles~~ vehicles, or emissions control systems on mobile fueling
 18 on-demand tank vehicles, for the purposes of enforcing this section
 19 or any rule and regulation adopted ~~thereunder~~ pursuant to this
 20 section or Section 39618.5 that ~~are~~ is applicable to ~~such~~ those
 21 systems ~~and~~ and, as applicable, to the loading and unloading of
 22 cargo tanks on tank vehicles.

23 (i) The Legislature hereby declares that the purposes of this
 24 section regarding cargo tank vapor recovery systems on tank
 25 ~~vehicles~~ vehicles, including, but not limited to, a system or system
 26 component of a mobile fueling on-demand tank vehicle, as defined
 27 in paragraph (2) of subdivision (c) of Section 41950, are (1) to
 28 remove from the districts the authority to certify, except as
 29 specified in subdivision (b), ~~such~~ those systems and to charge fees
 30 ~~therefor~~, for certification, and (2) to grant ~~such~~ authority to the
 31 state board, ~~which shall~~ board to have the primary responsibility
 32 to assure that ~~such~~ those systems are operated in compliance with
 33 its standards and procedures adopted pursuant to subdivision ~~(a)~~
 34 (a) or Section 39618.5.

35 SEC. 4. No reimbursement is required by this act pursuant to
 36 Section 6 of Article XIII B of the California Constitution because
 37 the only costs that may be incurred by a local agency or school
 38 district will be incurred because this act creates a new crime or
 39 infraction, eliminates a crime or infraction, or changes the penalty
 40 for a crime or infraction, within the meaning of Section 17556 of

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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BACKGROUND

Mobile fueling on-demand is a rapidly growing industry that uses on-demand tank trucks to deliver gasoline directly to customer vehicles. A 100% contactless service, this innovative model of vehicle fueling offers a safer, healthier, and more accessible alternative to conventional fuel stations, which is particularly important during the COVID-19 pandemic.

By simplifying the fueling supply chain and eliminating the need for customers to stop at a gas station, mobile fueling offers significant environmental benefits to communities. The industry combines new equipment and technology to notably reduce vehicle miles traveled, which peak during rush hours. As a Geotab report estimates, each mobile fueling conserves 1.2 miles of travel and 1.1 pounds of CO₂. Mobile fueling on-demand also completely bypasses the transfer of gasoline into underground storage tanks (USTs), which pose a threat to drinking water supply and community health. Further, by having properly trained, hazmat-endorsed drivers fuel the vehicles, this model reduces vapor emissions and customer spillage which are a common site at traditional gas stations. Operations are able to meet or exceed all standards by the Department of Transportation, California Environmental Protection Agency, CalFIRE, California State Water Resources Control Board, California Air Resources Board (CARB) and all applicable state health and safety measures for the safe loading, transport, and transfer of fuel. While mobile fueling provides a lower-emissions alternative to conventional gas stations today, the industry is fully prepared to evolve with the clean energy demands of the future.

Additionally, more than 15 million drivers with disabilities across the country have difficulty refueling their vehicles. Mobile fueling improves access to vehicle refueling and significantly reduces disease spread through high-touch surfaces. This is especially important for enhancing the safety and quality of life for older adults and drivers with injuries, disabilities, or chronic illnesses—many of whom are identified as high-risk and immunocompromised.

Mobile fueling currently operates in more than 150 cities across the United States, and in over 20 jurisdictions in California including San Francisco, Oakland, San Jose, and Irvine.

PROBLEM

Currently, vehicles used in mobile fueling on-demand operations are being treated as stationary sources of emissions to be overseen by California Air Quality Management Districts (AQMDs). This mischaracterization of mobile fueling vehicles as stationary sources contradicts the fundamentally mobile nature of the service and generates burdensome, inconsistent, and costly compliance requirements. For example, in the greater Sacramento area, the Yolo-Solano, Sacramento, and Placer County AQMDs could potentially adopt three distinct sets of regulations, forcing mobile fuelers to comply with overlapping and contradictory rules in a mere 40 mile area, which is not operationally feasible. Other air districts have stated they cannot prioritize the rule amendments necessary to allow mobile fueling in their regions.

The application of AQMD regulations on mobile fueling vehicles is a remnant of a decades-old system created for fueling stations that did not require a statewide framework. Current regulations are outdated and create obstacles for the growth and expansion of an essential service and job-creating industry.

SOLUTION

AB 905 will categorize mobile fueling on-demand vehicles as mobile sources of air pollution and thus require CARB to adopt statewide performance standards and test procedures for these vehicles. This bill will also maintain AQMDs' authorities to test vapor recovery and emissions control systems of mobile fueling vehicles.

AB 905 will initiate a consistent and comprehensive regulatory framework for mobile fueling on-demand vehicles that is necessary to achieve and maintain federal and state ambient air quality standards. Doing so ensures that the industry is properly regulated as it continues to grow, while opening the door for developing and overseeing alternative forms of fueling.

SUPPORT

- Booster Fuels (Co-Sponsor)
- United Spinal Association (Co-Sponsor)
- Northern California Spinal Cord Injury Foundation
- Paralyzed Veterans of America

FOR MORE INFORMATION

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SENATE BILL**No. 30**

Introduced by Senator CorteseDecember 7, 2020

An act to add Chapter 11.5 (commencing with Section 25970) to Division 15 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 30, as introduced, Cortese. Building decarbonization.

Existing law requires the State Energy Resources Conservation and Development Commission to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030. Existing law requires the commission to include in the 2021 edition of the integrated energy policy report and all subsequent integrated energy policy reports a report on the emissions of greenhouse gases associated with the supply of energy to residential and commercial buildings.

This bill would, on or after January 1, 2022, prohibit a state agency from designing or constructing a state facility that is connected to the natural gas grid. The bill would require the department to develop the California State Building Decarbonization Plan that will lead to the operational carbon-neutrality of all state-owned buildings by January 1, 2035. The bill would, except as provided, prohibit state agencies from providing funding or other support for projects for the construction of residential and nonresidential buildings that are connected to the natural gas grid.

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

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

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

3 (1) In 2016, California’s buildings were responsible for directly
4 emitting 37 million metric tons (MMt) of greenhouse gases (GHGs)

5 (2) A zero-emissions building code would require that buildings
6 do not emit GHGs from onsite sources, and rely solely on clean
7 energy.

8 (3) One-third of California’s 2045 building stock will be built
9 between now and 2045.

10 (4) New, decarbonized, all-electric buildings cost less to build
11 to code than those requiring additional gas infrastructure.

12 (5) Decarbonizing new construction could seed the market for
13 retrofitting existing buildings to become GHG-free.

14 (6) Over 50 cities and counties in California have considered
15 policies to support all-electric construction, while 39 have already
16 updated their building codes to become GHG-free.

17 (b) It is the intent of the Legislature in enacting this act to
18 compliment the anticipated actions by the State Energy Resources
19 Conservation and Development Commission to set a zero-emission
20 deadline for new construction by 2025.

21 SEC. 2. Chapter 11.5 (commencing with Section 25970) is
22 added to Division 15 of the Public Resources Code, to read:

23

24 CHAPTER 11.5. BUILDING DERCARBONIZATION

25

26 25970. On or after January 1, 2022, a state agency, including,
27 but not limited to, the Department of General Services, the
28 Department of Transportation, and the Department of Corrections
29 and Rehabilitations, shall not design or construct a state facility
30 that is connected to the natural gas grid, where feasible.

31 25971. The Department of General Services shall develop the
32 California State Building Decarbonization Plan that will lead to
33 the operational carbon-neutrality of all state-owned buildings by
34 no later than January 1, 2035, where feasible. The plan shall, at a
35 minimum, consist of the following:

36 (a) A baseline of the greenhouse gas footprint of the state-owned
37 building stock.

38 (b) Strategies to reach 2035 carbon-neutrality goal.

1 (c) A schedule for achieving the carbon-neutrality goal.
2 25972. (a) Except as provided in subdivision (b), on or after
3 January 1, 2023, to the extent permissible under federal law, a
4 state agency shall not provide funding or other support for projects
5 for the construction of residential or nonresidential buildings that
6 are connected to the natural gas grid.
7 (b) Subdivision (a) does not apply to a project for which the
8 lack of funding from the state will result in the loss of federal or
9 other funds if the project offsets the projected emissions of
10 greenhouse gases resulting from natural gas usage at the building.

O



SENATOR DAVE CORTESE

SB 30 The State Buildings Decarbonization Act of 2021

SUMMARY

SB 30 mandates that state buildings and facilities achieve carbon-neutrality by 2035, that the state divest from projects that are not zero emission by 2023, and that all newly designed and constructed state buildings be zero emission beginning in 2022.

ISSUE & BACKGROUND

The State Air Resources Board finds that California's building energy use accounts for almost 25 percent of our statewide greenhouse gas (GHG) emissions. In 2016, California's building stock was responsible for directly emitting 37 million metric tons of greenhouse gases.

Because a third of California's 2045 building stock will be built between now and 2045, decarbonizing newly constructed buildings is key to reaching the state's fossil fuel reduction targets, including returning the state to its 1990 GHG emission levels by 2020, going 40 percent below our 1990 GHG emission levels by 2030, and achieving carbon neutrality by 2045.

To "decarbonize" a building is to remove GHG emissions from a building's energy use and ensure that the building relies solely on renewable, zero emission sources. In general, all-electric "decarbonized" buildings cost less to build to code than those requiring additional gas infrastructure. They also enhance indoor and outdoor air quality, reduce safety risks associated with gas, and improve public health. Over 50 cities and counties in California have considered policies to support net-zero emission construction, while 39 have already updated their building codes to become GHG-free.

Electrifying our building stock also has the added benefit of job creation as it produces a new demand for skilled workers. One [UCLA study](#) revealed that electrifying 100% of California's building stock by 2045 could generate over 100,000 full-time equivalent jobs.

Existing California law states that all state buildings should be models for energy efficiency and the state has often led by example, taking substantial steps to reduce the environmental impacts of state agencies and facilities. This includes the Green Building Action Plan in Governor Brown's 2012 Executive Order B-18-12 that required state agencies to prepare annual inventories of their GHG emissions and reduce their emissions by at least 10% by 2015 and 20% by 2020, measured against a 2010 baseline.

Given the state's ambitious climate goals and the mounting dangers of climate change on our environment, health, air quality, and well-being, now is an opportune time to expand the scope of our previous efforts to reduce emissions from state entities.

THIS BILL

This bill would prohibit all state agencies from constructing or designing new facilities that are connected to the natural gas grid beginning on January 01, 2022. It would also prohibit the state from providing funding or support to projects that are not zero-emission beginning on January 01, 2023, except in cases where lack of funding from the state would result in the loss of federal or other

funding and only if said project offsets their projected GHG emissions through other means. Lastly it would require the Department of General Services to develop The California State Building Decarbonization Plan that will ensure all existing state-owned buildings reach carbon-neutrality by 2035.

SUPPORTERS*

Sierra Club California
Fossil Free California
Sunrise Movement, Silicon Valley
Mothers Out Front Silicon Valley
San Jose Community Energy Advocates
Bay Area for Clean Environment
Carbon Free Silicon Valley
Silicon Valley Youth Climate Action
Climate Reality Project, San Francisco Bay Area
Pacific Climate Committees
Zanker Recycling

**Selected List*

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AMENDED IN SENATE MARCH 5, 2021

SENATE BILL**No. 31**

Introduced by Senator CorteseDecember 7, 2020

An act to amend Section 25711.5 of, and to add Sections 25233 and 25465 to, the Public Resources Code, and to amend Section 701.1 of, and to add ~~Section~~ *Sections 384.6 and 385.6* to, the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 31, as amended, Cortese. Building decarbonization.

Existing law establishes the State Energy Resources Conservation and Development Commission and requires the commission to implement various energy efficiency programs. Existing law, except as provided, requires the commission to administer federal funds allocated to, and received by, the state for energy-related projects under certain federal laws. Existing law requires the commission to develop and implement the Electric Program Investment Charge (EPIC) program to award funds for projects that will benefit electricity ratepayers and lead to technological advancement and breakthroughs to overcome the barriers that prevent the achievement of the state's statutory energy goals and that result in a portfolio of projects that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges.

This bill would require the commission to identify and implement programs to promote existing and new building decarbonization. The bill would, to the extent clean energy or energy efficiency funds are made available from the federal government to address economic recovery and development due to the COVID-19 pandemic, authorize

the commission to expend federal moneys, to the extent authorized by federal law, for projects for existing and new building decarbonization. The bill would additionally require the commission, under the EPIC program, to award funds for projects that will benefit electricity ratepayers and lead to the development and deployment of commercial and residential building decarbonization technologies and investments that reduce or eliminate greenhouse gas generation in those buildings.

Existing law requires the Public Utilities Commission to require each electrical corporation to identify a separate rate component to collect revenues to fund ~~programs provided to low-income electricity customers for targeted energy efficiency services~~. *various programs, including, programs for cost-effective energy efficiency and conservation activities and programs to provide low-income electricity customers targeted energy-efficiency services. Existing law requires each local publicly owned electric utility to establish a nonbypassable, usage-based charge on distribution service, as specified, to fund various programs, including programs for cost-effective, demand-side management services and programs to provide energy efficiency services to low-income electricity customers.*

This bill would authorize the expenditure of those revenues for existing and new building decarbonization. *To receive this funding, the bill would require the entity implementing the decarbonization project and its subcontractors at every tier to pay prevailing wage.*

Existing law makes a legislative finding and declaration regarding the principal goals of electric and natural gas utilities' resource planning and investment.

This bill would additionally state as a principal goal of electric and natural gas utilities' resource planning and investment the decarbonization of existing and new buildings.

Under existing law, a violation of the Public Utilities Act is a crime.

Because the above provisions would be part of the Public Utilities Act, a violation of which would be a crime, this bill would impose a state-mandated local program by creating a new crime.

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 no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. This act shall be known and may be cited as the
2 California Building Decarbonization Act of 2021.

3 SEC. 2. Section 25233 is added to the Public Resources Code,
4 to read:

5 25233. (a) The commission shall, subject to appropriation by
6 the Legislature, identify and implement programs to promote
7 existing and new building decarbonization.

8 (b) A building decarbonization project funded by programs
9 identified and implemented pursuant to this section shall be
10 undertaken in a manner that includes an enforceable commitment
11 that the entity implementing the project, and its subcontractors at
12 every tier, will pay prevailing wage.

13 SEC. 3. Section 25465 is added to the Public Resources Code,
14 to read:

15 25465. To the extent clean energy or energy efficiency funds
16 are made available from the federal government to address
17 economic recovery and development due to the COVID-19
18 pandemic, and to the extent authorized by federal law, those funds
19 may be expended by the commission, upon appropriation by the
20 Legislature, for projects for existing and new building
21 decarbonization.

22 SEC. 4. Section 25711.5 of the Public Resources Code is
23 amended to read:

24 25711.5. In administering moneys in the fund for research,
25 development, and demonstration programs under this chapter, the
26 commission shall develop and implement the Electric Program
27 Investment Charge (EPIC) program to do all of the following:

28 (a) (1) Award funds for projects that will benefit electricity
29 ratepayers and lead to technological advancement and
30 breakthroughs to overcome the barriers that prevent the
31 achievement of the state's statutory energy goals and that result
32 in a portfolio of projects that is strategically focused and
33 sufficiently narrow to make advancement on the most significant
34 technological challenges that shall include, but not be limited to,
35 energy storage, renewable energy and its integration into the

1 electrical grid, energy efficiency, integration of electric vehicles
2 into the electrical grid, and accurately forecasting the availability
3 of renewable energy for integration into the grid.

4 (2) Award funds for projects that will benefit electricity
5 ratepayers and lead to the development and deployment of
6 commercial and residential building decarbonization technologies
7 and investments that reduce or eliminate greenhouse gas generation
8 in those buildings. A building decarbonization project awarded
9 funds pursuant to this section shall be undertaken in a manner that
10 includes an enforceable commitment that the entity implementing
11 the project, and its subcontractors at every tier, will pay prevailing
12 wage.

13 (b) In consultation with the Treasurer, establish terms that shall
14 be imposed as a condition to receipt of funding for the state to
15 accrue any intellectual property interest or royalties that may derive
16 from projects funded by the EPIC program. The commission, when
17 determining if imposition of the proposed terms is appropriate,
18 shall balance the potential benefit to the state from those terms
19 and the effect those terms may have on the state achieving its
20 statutory energy goals. The commission shall require each reward
21 recipient, as a condition of receiving moneys pursuant to this
22 chapter, to agree to any terms the commission determines are
23 appropriate for the state to accrue any intellectual property interest
24 or royalties that may derive from projects funded by the EPIC
25 program.

26 (c) Require each applicant to report how the proposed project
27 may lead to technological advancement and potential breakthroughs
28 to overcome barriers to achieving the state's statutory energy goals.

29 (d) Take into account, when applicable, the adverse localized
30 health impacts of proposed projects to the greatest extent possible.

31 (e) Establish a process for tracking the progress and outcomes
32 of each funded project, including an accounting of the amount of
33 funds spent by program administrators and individual grant
34 recipients on administrative and overhead costs and whether the
35 project resulted in any technological advancement or breakthrough
36 to overcome barriers to achieving the state's statutory energy goals.

37 (f) Notwithstanding Section 10231.5 of the Government Code,
38 prepare and submit to the Legislature no later than April 30 of
39 each year an annual report in compliance with Section 9795 of the
40 Government Code that shall include all of the following:

1 (1) A brief description of each project for which funding was
2 awarded in the immediately prior calendar year, including the
3 name of the recipient and the amount of the award, a description
4 of how the project is thought to lead to technological advancement
5 or breakthroughs to overcome barriers to achieving the state's
6 statutory energy goals, and a description of why the project was
7 selected.

8 (2) A brief description of each project funded by the EPIC
9 program that was completed in the immediately prior calendar
10 year, including the name of the recipient, the amount of the award,
11 and the outcomes of the funded project.

12 (3) A brief description of each project funded by the EPIC
13 program for which an award was made in the previous years but
14 that is not completed, including the name of the recipient and the
15 amount of the award, and a description of how the project will
16 lead to technological advancement or breakthroughs to overcome
17 barriers to achieving the state's statutory energy goals.

18 (4) Identification of the award recipients that are
19 California-based entities, small businesses, or businesses owned
20 by women, minorities, or disabled veterans.

21 (5) Identification of which awards were made through a
22 competitive bid, interagency agreement, or sole source method,
23 and the action of the Joint Legislative Budget Committee pursuant
24 to paragraph (2) of subdivision (g) for each award made through
25 an interagency agreement or sole source method.

26 (6) Identification of the total amount of administrative and
27 overhead costs incurred for each project.

28 (7) A brief description of the impact on program administration
29 from the allocations required to be made pursuant to Section
30 25711.6, including any information that would help the Legislature
31 determine whether to reauthorize those allocations beyond June
32 30, 2023.

33 (g) Establish requirements to minimize program administration
34 and overhead costs, including costs incurred by program
35 administrators and individual grant recipients. Each program
36 administrator and grant recipient, including a public entity, shall
37 be required to justify actual administration and overhead costs
38 incurred, even if the total costs incurred do not exceed a cap on
39 those costs that the commission may adopt.

1 (h) (1) Use a sealed competitive bid as the preferred method
 2 to solicit project applications and award funds pursuant to the EPIC
 3 program.

4 (2) (A) The commission may use a sole source or interagency
 5 agreement method if the project cannot be described with sufficient
 6 specificity so that bids can be evaluated against specifications and
 7 criteria set forth in a solicitation for bid and if both of the following
 8 conditions are met:

9 (i) The commission, at least 60 days prior to making an award
 10 pursuant to this subdivision, notifies the Joint Legislative Budget
 11 Committee and the relevant policy committees in both houses of
 12 the Legislature, in writing, of its intent to take the proposed action.

13 (ii) The Joint Legislative Budget Committee either approves or
 14 does not disapprove the proposed action within 60 days from the
 15 date of notification required by clause (i).

16 (B) It is the intent of the Legislature to enact this paragraph to
 17 ensure legislative oversight for awards made on a sole source basis,
 18 or through an interagency agreement.

19 (3) Notwithstanding any other law, standard terms and
 20 conditions that generally apply to contracts between the
 21 commission and any entities, including state entities, do not
 22 automatically preclude the award of moneys from the fund through
 23 the sealed competitive bid method.

24 *SEC. 5. Section 384.6 is added to the Public Utilities Code, to*
 25 *read:*

26 *384.6. Funds allocated pursuant to this article may be expended*
 27 *for existing and new building decarbonization if the entity*
 28 *implementing the decarbonization project and its subcontractors*
 29 *at every tier will pay prevailing wage.*

30 ~~SEC. 5.~~

31 *SEC. 6. Section 385.6 is added to the Public Utilities Code, to*
 32 *read:*

33 *385.6. Funds allocated pursuant to this article may be expended*
 34 *for existing and new building decarbonization ~~provided that an~~ if*
 35 *the entity implementing a the decarbonization project, project and*
 36 *its subcontractors at every tier, tier will pay prevailing wage.*

37 ~~SEC. 6.~~

38 *SEC. 7. Section 701.1 of the Public Utilities Code is amended*
 39 *to read:*

1 701.1. (a) (1) The Legislature finds and declares that, in
2 addition to other ratepayer protection objectives, a principal goal
3 of electric and natural gas utilities' resource planning and
4 investment shall be to minimize the cost to society of the reliable
5 energy services that are provided by natural gas and electricity,
6 and to improve the environment and to encourage the diversity of
7 energy sources through improvements in energy efficiency, the
8 development of renewable energy resources, such as wind, solar,
9 biomass, and geothermal energy, widespread transportation
10 electrification, and decarbonization of existing and new buildings
11 provided that an entity implementing a building decarbonization
12 project, and its subcontractors at every tier, will pay workers
13 prevailing wage.

14 (2) The amendment made to this subdivision by the Clean
15 Energy and Pollution Reduction Act of 2015 (Chapter 547 of the
16 Statutes of 2015) does not expand the authority of the commission
17 beyond that provided by other law.

18 (b) The Legislature further finds and declares that, in addition
19 to any appropriate investments in energy production, electrical
20 and natural gas utilities should seek to exploit all practicable and
21 cost-effective conservation and improvements in the efficiency of
22 energy use and distribution that offer equivalent or better system
23 reliability and that are not being exploited by any other entity.

24 (c) In calculating the cost-effectiveness of energy resources,
25 including conservation and load management options, the
26 commission shall include, in addition to other ratepayer protection
27 objectives, a value for any costs and benefits to the environment,
28 including air quality. The commission shall ensure that any values
29 it develops pursuant to this section are consistent with values
30 developed by the Energy Commission pursuant to Section 25000.1
31 of the Public Resources Code. However, if the commission
32 determines that a value developed pursuant to this subdivision is
33 not consistent with a value developed by the Energy Commission
34 pursuant to subdivision (c) of Section 25000.1 of the Public
35 Resources Code, the commission may nonetheless use this value
36 if, in the appropriate record of its proceedings, it states its reasons
37 for using the value it has selected.

38 (d) In determining the emission values associated with the
39 current operating capacity of existing electric powerplants pursuant
40 to subdivision (c), the commission shall adhere to the following

1 protocol in determining values for air quality costs and benefits to
2 the environment. If the commission finds that an air pollutant that
3 is subject to regulation is a component of residual emissions from
4 an electric powerplant and that the owner of that powerplant is
5 either of the following:

6 (1) Using a tradable emission allowance, right, or offset for that
7 pollutant, which (A) has been approved by the air quality district
8 regulating the powerplant, (B) is consistent with federal and state
9 law, and (C) has been obtained, authorized, or acquired in a
10 market-based system.

11 (2) Paying a tax per measured unit of that pollutant.

12 The commission shall not assign a value or cost to that residual
13 pollutant for the current operating capacity of that powerplant
14 because the alternative protocol for dealing with the pollutant
15 operates to internalize its cost for the purpose of planning for and
16 acquiring new generating resources.

17 (e) (1) The values determined pursuant to subdivision (c) to
18 represent costs and benefits to the environment shall not be used
19 by the commission, in and of themselves, to require early
20 decommissioning or retirement of an electric utility powerplant
21 that complies with applicable prevailing environmental regulations.

22 (2) Further, the environmental values determined pursuant to
23 subdivision (c) shall not be used by the commission in a manner
24 that, when those values are aggregated, will result in advancing
25 an electric utility's need for new powerplant capacity by more than
26 15 months.

27 (f) This subdivision shall apply whenever a powerplant bid
28 solicitation is required by the commission for an electric utility
29 and a portion of the amount of new powerplant capacity, which is
30 the subject of the bid solicitation, is the result of the commission's
31 use of environmental values to advance that electric utility's need
32 for new powerplant capacity in the manner authorized by paragraph
33 (2) of subdivision (e). The affected electric utility may propose to
34 the commission any combination of alternatives to that portion of
35 the new powerplant capacity that is the result of the commission's
36 use of environmental values as authorized by paragraph (2) of
37 subdivision (e). The commission shall approve an alternative in
38 place of the new powerplant capacity if it finds all of the following:

39 (1) The alternative has been approved by the relevant air quality
40 district.

- 1 (2) The alternative is consistent with federal and state law.
- 2 (3) The alternative will result in needed system reliability for
- 3 the electric utility at least equivalent to that which would result
- 4 from bidding for new powerplant capacity.
- 5 (4) The alternative will result in reducing system operating costs
- 6 for the electric utility over those that would result from the process
- 7 of bidding for new powerplant capacity.
- 8 (5) The alternative will result in equivalent or better
- 9 environmental improvements at a lower cost than would result
- 10 from bidding for new powerplant capacity.
- 11 (g) This section does not require an electric utility to alter the
- 12 dispatch of its powerplants for environmental purposes.
- 13 (h) This section does not preclude an electric utility from
- 14 submitting to the commission any combination of alternatives to
- 15 meet a commission-identified need for new capacity, if the
- 16 submission is otherwise authorized by the commission.
- 17 (i) This section does not change or alter any provision of
- 18 commission Decision 92-04-045 (April 22, 1992), Application of
- 19 Pacific Gas and Electric Company for an Ex Parte Order Approving
- 20 Settlement Agreements Between Pacific Gas and Electric Company
- 21 and Certain Winning Bidders in Pacific Gas and Electric
- 22 Company's Biennial Resource Plan Update Auction.
- 23 *SEC. 8. No reimbursement is required by this act pursuant to*
- 24 *Section 6 of Article XIII B of the California Constitution because*
- 25 *the only costs that may be incurred by a local agency or school*
- 26 *district will be incurred because this act creates a new crime or*
- 27 *infraction, eliminates a crime or infraction, or changes the penalty*
- 28 *for a crime or infraction, within the meaning of Section 17556 of*
- 29 *the Government Code, or changes the definition of a crime within*
- 30 *the meaning of Section 6 of Article XIII B of the California*
- 31 *Constitution.*



SENATOR DAVE CORTESE

SB 31

Decarbonization Programs Act

ISSUE

The California Air Resources Board reports that the building sector is the second largest source of greenhouse gas (GHG) emissions in the state, second to only the transportation sector. To meet its ambitious state climate goals of ensuring that statewide GHG emissions are reduced to 40% below the 1990 level by 2030, swift action must be taken to curb emissions from our building sector. Currently, California has no statewide plan for achieving net-zero emissions in buildings.

Energy efficiency programs administered by the California Energy Commission (CEC) and the state's investor-owned utilities (IOU's), such as the Electric Program Investment Charge (EPIC) program, provide resources and funding for the development and adoption of new clean energy solutions. However, building decarbonization is not currently mentioned in statute, a change that could solidify the Commission's and utilities' authority to provide funding and create programs for building decarbonization.

BACKGROUND

In 2012, the EPIC program was established by the California Public Utilities Commission (CPUC) to fund public investments in research to create and advance new energy solutions. EPIC funds are awarded through a competitive process to projects that will benefit electricity ratepayers and lead to technological advancement and breakthroughs to overcome the barriers that prevent the achievement of the state's statutory energy goals. The CEC and the state's three largest investor-owned electric utilities – Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company – were selected to administer the EPIC funds and advance novel technologies, tools, and strategies that provide benefits to electric ratepayers.

According to recent reports, most Californians live in buildings that are not efficient enough for the state to

meet its ambitious climate goals. Achieving these goals will be most challenging for low-income occupants who often have less accessible financial resources to fund electrification projects. State law requires the CPUC to mandate each electrical corporation to identify a separate rate component to collect revenues to fund programs provided to low-income electricity customers for targeted energy efficiency services. However, building decarbonization projects are not specifically mentioned in statute, which might hinder the allocation of funding or resources to such programs.

THIS BILL

The bill requires the CEC, under the EPIC program, to award funds for projects that will benefit electricity ratepayers and lead to the development and deployment of commercial and residential building decarbonization technologies and investments that reduce or eliminate greenhouse gas generation in those buildings. The bill also allows the CEC to expend federal funding on projects for existing and new building decarbonization.

The bill also authorizes the expenditure of revenues from various IOU programs for existing and new building decarbonization.

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SENATE BILL**No. 32**

Introduced by Senator CorteseDecember 7, 2020

An act to add Section 65302.0.5 to the Government Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as introduced, Cortese. Energy: general plan: building decarbonization requirements.

The Planning and Zoning Law requires a city or county to adopt a comprehensive general plan that addresses a number of elements. Existing law requires, among other things, the city's or county's planning agency to investigate and make recommendations to the legislative body regarding reasonable and practical means for implementing the general plan or element of the general plan.

Existing law requires the State Energy Resources Conservation and Development Commission to assess, by January 1, 2021, the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40 percent below 1990 levels by January 1, 2030.

This bill would require a city or county to amend, by January 1, 2023, the appropriate elements of its general plan to include goals, policies, objectives, targets, and feasible implementation strategies, as specified, to decarbonize newly constructed commercial and residential buildings. The bill would require a city or county to submit these draft general plan amendments to the commission at least 45 days prior to the adoption of the amendments. The bill would require the legislative body of the city or county to consider the commission's advisory comments, if any, prior to adopting the amendments.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 no reimbursement is required by this act for a specified reason.

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 65302.0.5 is added to the Government
2 Code, to read:

3 65302.0.5. (a) The Legislature finds and declares all of the
4 following:

5 (1) California has adopted aggressive greenhouse gas emission
6 reduction targets, including returning to 1990 levels by 2020, 40
7 percent below 1990 by 2030, and carbon neutrality by 2045. The
8 achievement of these targets require emissions reductions across
9 all sectors of the economy at the state and local levels.

10 (2) According to the State Air Resources Board, California
11 building energy use is responsible for roughly 25 percent of
12 statewide greenhouse gas emissions.

13 (b) By January 1, 2023, the legislative body of each city or
14 county shall amend the appropriate elements of its general plan,
15 which may include, but are not limited to, the required elements
16 dealing with land use, circulation, housing, conservation, and open
17 space, to include goals, policies, objectives, targets, and feasible
18 implementation strategies to decarbonize newly constructed
19 commercial and residential buildings.

20 (c) The adoption of building decarbonization amendments, as
21 described in subdivision (b), shall include all of the following:

22 (1) A report describing greenhouse gas emissions data for
23 existing commercial and residential buildings, including significant
24 sources of the emissions.

25 (2) A summary of local, state, and federal policies, programs,
26 and regulations that may assist in the decarbonization of existing
27 and newly constructed commercial and residential buildings.

1 (3) A comprehensive set of goals, policies, and objectives that
2 may assist in decarbonizing newly constructed commercial and
3 residential buildings in the city or county. This shall include a
4 consideration of the commission’s assessment of greenhouse gas
5 reduction potential in residential and commercial buildings
6 pursuant to Section 25403 of the Public Resources Code. This
7 shall also include the following targets for the decarbonization of
8 newly constructed commercial or residential buildings:

9 (A) Greenhouse gas reduction consistent with the state’s target
10 of 40 percent below 1990 levels by 2030.

11 (B) Carbon neutrality by 2045.

12 (4) A set of feasible implementation measures designed to carry
13 out those goals, policies, and objectives.

14 (d) At least 45 days prior to the adoption of building
15 decarbonization amendments pursuant to this section, each city
16 and county shall send a copy of its draft amendments to the
17 commission. The commission may review the draft amendments
18 to determine whether the amendments will lead to building
19 decarbonization. Within 30 days of receiving the draft amendments,
20 the commission may send any comments and advice to the city or
21 county. The legislative body of the city or county shall consider
22 the commission’s comment and advice prior to the final adoption
23 of building decarbonization amendments to the general plan. If
24 the commission’s comments and advice are not available by the
25 time scheduled for the final adoption of building decarbonization
26 requirements to the general plan, the legislative body of the city
27 or county may adopt the amendments without consideration of the
28 commission’s comments. The commission’s comments shall be
29 advisory to the city or county.

30 (e) For purposes of this section, both of the following definitions
31 shall apply:

32 (1) “Commission” means the State Energy Resources
33 Conservation and Development Commission.

34 (2) “Newly constructed” means constructed following January
35 1, 2023.

36 (f) Notwithstanding Section 65803, the requirements of this
37 section shall also apply to charter cities.

38 SEC. 2. The Legislature finds and declares that Section 1 of
39 this act adding Section 65302.0.5 to the Government Code address
40 a matter of statewide concern rather than a municipal affair as that

1 term is used in Section 5 of Article XI of the California
2 Constitution. Therefore, Section 1 of this act applies to all cities,
3 including charter cities.

4 SEC. 3. No reimbursement is required by this act pursuant to
5 Section 6 of Article XIII B of the California Constitution because
6 a local agency or school district has the authority to levy service
7 charges, fees, or assessments sufficient to pay for the program or
8 level of service mandated by this act, within the meaning of Section
9 17556 of the Government Code.

O



SENATOR DAVE CORTESE SB 32 The Decarbonization Act of 2021

SUMMARY

SB 32 requires all cities and counties in California to update their General Plans with objectives, targets, and policies to decarbonize newly constructed buildings.

ISSUE

The State Air Resources Board finds that California’s building energy use accounts for almost 25 percent of our statewide greenhouse gas (GHG) emissions. In 2016, California’s building stock was responsible for directly emitting 37 million metric tons of greenhouse gases.

Because a third of California’s 2045 building stock will be built between now and 2045, decarbonizing newly constructed buildings is key to reaching the state’s fossil fuel reduction targets, including returning the state to its 1990 GHG emission levels by 2020, going 40 percent below our 1990 GHG emission levels by 2030, and achieving carbon neutrality by 2045.

Over 50 cities and counties in California have considered policies to support net-zero emission construction, while 39 have already updated their building codes to become GHG-free. However, the state has not yet taken action to ensure all cities and counties in California take similar measures to embrace building decarbonization. Cities, counties, and the state must make a joint effort to decarbonize their building stock if we are to meet the state’s ambitious goals.

BACKGROUND

California Planning and Zoning Law requires each city and county to prepare and adopt a General Plan to serve as a long-range guide for their land use and development. Elements of a General Plan include housing, land use, open space, conservation and more.

Every three years, cities and counties across the state adopt the new Building Energy Efficiency Standards for all buildings, or Title 24 of the California Code of

Regulations, that is updated by the California Energy Commission (CEC).

To “decarbonize” a building is to remove GHG emissions from a building’s energy use and ensure that the building relies solely on renewable, zero emission sources.

THIS BILL

This bill would require all cities, including charter cities, and counties, to incorporate building decarbonization requirements into the appropriate section of their General Plan by January 1, 2023. These General Plan amendments should include a report on greenhouse gas emission data for existing commercial and residential buildings; a summary of local, state, and federal policies, programs, and regulations that may assist in the decarbonization of existing and newly constructed commercial and residential buildings; and a comprehensive set of feasible implementation strategies to decarbonize newly constructed commercial and residential buildings consistent with the state’s emission reduction targets.

Draft General Plan amendments from each city and county should be sent to the CEC 45 days prior to adoption and any comments from the Commission should be considered prior to adoption.

SUPPORTERS*

- Sierra Club California
- Fossil Free California
- Sunrise Movement, Silicon Valley
- Mothers Out Front Silicon Valley
- San Jose Community Energy Advocates
- Bay Area for Clean Environment
- Carbon Free Silicon Valley
- Silicon Valley Youth Climate Action
- Climate Reality Project, San Francisco Bay Area
- Pacific Climate Committees
- Zanker Recycling

**Selected List*

FOR MORE INFORMATION

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AMENDED IN SENATE MARCH 7, 2021

SENATE BILL**No. 68****Introduced by Senator Becker**

December 7, 2020

~~An act relating to energy.~~ *An act to amend Section 25711.5 of, and to add Section 25233 to, the Public Resources Code, and to add Chapter 8 (commencing with Section 8400) to Division 4.1 of the Public Utilities Code, relating to electricity.*

LEGISLATIVE COUNSEL'S DIGEST

SB 68, as amended, Becker. Building decarbonization.

Existing law requires the State Energy Resources Conservation and Development Commission (*Energy Commission*) to assess the potential for the state to reduce the emissions of greenhouse gases from the state's residential and commercial building stock by at least 40% below 1990 levels by January 1, 2030.

~~This bill would state the intent of the Legislature to enact subsequent legislation that will help the state achieve its climate and air pollution reduction goals in the building sector through actions such as reducing barriers to upgrading electrical service panels or accommodating additional electrical appliances within existing service panels.~~

This bill would require the Energy Commission to develop and publish on its internet website a guide for electrification of buildings and to submit to the Legislature a report on barriers to electrifying existing buildings and to adding energy storage or vehicle charging equipment to existing buildings.

Existing law requires the Energy Commission to develop and implement the Electric Program Investment Charge (EPIC) program to award moneys for projects that will benefit electricity ratepayers,

lead to technological advancement and breakthroughs, and result in a portfolio of projects that is strategically focused and sufficiently narrow to make advancement on the most significant technological challenges, as specified.

This bill would authorize the award of moneys under the EPIC program for projects that will benefit electricity ratepayers and lead to technologies that reduce the costs of building electrification.

Existing requires the Public Utilities Commission (PUC) to enforce rules governing the extension of service by electrical corporations.

This bill would require the PUC to establish a timeframe within which an electrical corporation would be required to respond to requests from building owners for routine electrical service upgrades and a timeframe to respond to requests for extensions of electrical service or nonroutine electrical service upgrades. The bill would, beginning January 1, 2023, require each electrical corporation to report annually to the commission the number of requests for routine electrical service upgrades, extensions of electrical service, and nonroutine electrical service upgrades in the prior calendar year and all cases in which the electrical corporation fails meet the timeframes established by the commission. The bill would, except as provided, require the PUC to assess certain penalties on electrical corporations for failures to meet the timeframes.

Under the Public Utilities Act, a violation of an order, decision, rule, direction, demand or requirements of the PUC is a crime.

Because the bill would require the PUC to establish timeframes in which electrical corporations are required to respond to specified requests, a violation of which would be a crime, this 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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 25233 is added to the Public Resources
- 2 Code, to read:

1 25233. To help building owners to decarbonize buildings and
2 add energy storage or electric vehicle charging capacity to
3 buildings, the commission, in coordination with the Department
4 of Housing and Community Development, the California Building
5 Standards Commission, and other relevant state agencies, shall
6 do both of the following:

7 (a) (1) Develop, and publish on the commission internet website,
8 a guide for electrification of buildings, including all of the
9 following topics:

10 (A) Electrical equipment for replacement of the common
11 fossil-fuel-powered appliances within buildings, including
12 high-efficiency options that can minimize electrical service capacity
13 requirements.

14 (B) Approaches for power budgeting to fit electrical
15 replacements and vehicle-charging equipment within the existing
16 electrical service capacity of the building whenever possible,
17 including guidance on how to maximize the use of the
18 nonconcurrent electrical load that is allowed under the California
19 Electrical Code (Part 3 (commencing with Section 89.101.1) of
20 Title 24 of the California Code of Regulations).

21 (C) Technologies that allow the noncoincidental sharing of
22 electrical circuits.

23 (D) The development of whole building electrification plans in
24 order to plan for cost-effective electrical panel upgrades and
25 wiring changes, even if only a portion of appliances will be
26 replaced, or energy storage or vehicle charging added, during an
27 initial project.

28 (E) Guidance on the availability of rebates, tax credits, and
29 financing options, such as Property Assessed Clean Energy (PACE)
30 financing, utility provided on-bill financing, or home equity loans.

31 (2) This guide shall include model permit applications, an
32 eligibility checklist for expedited permitting, and a concise
33 inspection list for the most common building electrification or
34 energy storage or vehicle charging installation projects. These
35 materials shall be suitable for adoption by local governments
36 seeking to streamline and standardize permitting and inspections.

37 (b) (1) Submit a report to the Legislature no later than
38 December 31, 2022, on barriers to electrifying existing buildings
39 and to adding energy storage or vehicle charging equipment to
40 existing buildings, including consideration of all of the following:

1 (A) *The availability of a sufficiently large workforce skilled and*
2 *trained in building electrification to achieve the state’s goals for*
3 *building decarbonization.*

4 (B) *Gaps in available technology for cost-effective replacement*
5 *of certain existing fossil-fuel powered equipment for certain types*
6 *of buildings.*

7 (C) *Inefficiencies and inconsistencies in permitting requirements*
8 *and fees and inspection processes that unnecessarily cause delays*
9 *or increase costs, including providing a survey of permitting fees*
10 *from local governments across the state for common building*
11 *electrification projects and for the installation of vehicle charging*
12 *equipment and energy storage.*

13 (D) *The availability of low-cost financing options for building*
14 *owners.*

15 (E) *The need for additional financial assistance for low-income*
16 *building owners or owners of affordable housing.*

17 (2) *The report required pursuant to paragraph (1) shall be*
18 *submitted in accordance with Section 9795 of the Government*
19 *Code.*

20 (3) *Pursuant to Section 10231.5 of the Government Code, this*
21 *subdivision shall become inoperative on December 31, 2026.*

22 SEC. 2. *Section 25711.5 of the Public Resources Code is*
23 *amended to read:*

24 25711.5. In administering moneys in the fund for research,
25 development, and demonstration programs under this chapter, the
26 commission shall develop and implement the Electric Program
27 Investment Charge (EPIC) program to do all of the following:

28 (a) Award funds for projects that will benefit electricity
29 ratepayers and lead to ~~technological~~ *either of the following:*

30 (1) *Technological* advancement and breakthroughs to overcome
31 the barriers that prevent the achievement of the state’s statutory
32 energy goals and that result in a portfolio of projects that is
33 strategically focused and sufficiently narrow to make advancement
34 on the most significant technological challenges that shall include,
35 but not be limited to, energy storage, renewable energy and its
36 integration into the electrical grid, energy efficiency, integration
37 of electric vehicles into the electrical grid, and accurately
38 forecasting the availability of renewable energy for integration
39 into the grid.

1 (2) *Technologies that reduce the costs of building electrification,*
2 *including by reducing or avoiding the costs of expanding electrical*
3 *service and electrical panel upgrades for existing buildings.*

4 (b) In consultation with the Treasurer, establish terms that shall
5 be imposed as a condition to receipt of funding for the state to
6 accrue any intellectual property interest or royalties that may derive
7 from projects funded by the EPIC program. The commission, when
8 determining if imposition of the proposed terms is appropriate,
9 shall balance the potential benefit to the state from those terms
10 and the effect those terms may have on the state achieving its
11 statutory energy goals. The commission shall require each reward
12 recipient, as a condition of receiving moneys pursuant to this
13 chapter, to agree to any terms the commission determines are
14 appropriate for the state to accrue any intellectual property interest
15 or royalties that may derive from projects funded by the EPIC
16 program.

17 (c) Require each applicant to report how the proposed project
18 may lead to technological advancement and potential breakthroughs
19 to overcome barriers to achieving the state's statutory energy goals.

20 (d) Take into account, when applicable, the adverse localized
21 health impacts of proposed projects to the greatest extent possible.

22 (e) Establish a process for tracking the progress and outcomes
23 of each funded project, including an accounting of the amount of
24 funds spent by program administrators and individual grant
25 recipients on administrative and overhead costs and whether the
26 project resulted in any technological advancement or breakthrough
27 to overcome barriers to achieving the state's statutory energy goals.

28 (f) Notwithstanding Section 10231.5 of the Government Code,
29 prepare and submit to the Legislature no later than April 30 of
30 each year an annual report in compliance with Section 9795 of the
31 Government Code that shall include all of the following:

32 (1) A brief description of each project for which funding was
33 awarded in the immediately prior calendar year, including the
34 name of the recipient and the amount of the award, a description
35 of how the project is thought to lead to technological advancement
36 or breakthroughs to overcome barriers to achieving the state's
37 statutory energy goals, and a description of why the project was
38 selected.

39 (2) A brief description of each project funded by the EPIC
40 program that was completed in the immediately prior calendar

1 year, including the name of the recipient, the amount of the award,
2 and the outcomes of the funded project.

3 (3) A brief description of each project funded by the EPIC
4 program for which an award was made in the previous years but
5 that is not completed, including the name of the recipient and the
6 amount of the award, and a description of how the project will
7 lead to technological advancement or breakthroughs to overcome
8 barriers to achieving the state's statutory energy goals.

9 (4) Identification of the award recipients that are
10 California-based entities, small businesses, or businesses owned
11 by women, minorities, or disabled veterans.

12 (5) Identification of which awards were made through a
13 competitive bid, interagency agreement, or sole source method,
14 and the action of the Joint Legislative Budget Committee pursuant
15 to paragraph (2) of subdivision ~~(g)~~ (h) for each award made through
16 an interagency agreement or sole source method.

17 (6) Identification of the total amount of administrative and
18 overhead costs incurred for each project.

19 (7) A brief description of the impact on program administration
20 from the allocations required to be made pursuant to Section
21 25711.6, including any information that would help the Legislature
22 determine whether to reauthorize those allocations beyond June
23 30, 2023.

24 (g) Establish requirements to minimize program administration
25 and overhead costs, including costs incurred by program
26 administrators and individual grant recipients. Each program
27 administrator and grant recipient, including a public entity, shall
28 be required to justify actual administration and overhead costs
29 incurred, even if the total costs incurred do not exceed a cap on
30 those costs that the commission may adopt.

31 (h) (1) Use a sealed competitive bid as the preferred method
32 to solicit project applications and award funds pursuant to the EPIC
33 program.

34 (2) (A) The commission may use a sole source or interagency
35 agreement method if the project cannot be described with sufficient
36 specificity so that bids can be evaluated against specifications and
37 criteria set forth in a solicitation for bid and if both of the following
38 conditions are met:

39 (i) The commission, at least 60 days prior to making an award
40 pursuant to this subdivision, notifies the Joint Legislative Budget

1 Committee and the relevant policy committees in both houses of
2 the Legislature, in writing, of its intent to take the proposed action.

3 (ii) The Joint Legislative Budget Committee either approves or
4 does not disapprove the proposed action within 60 days from the
5 date of notification required by clause (i).

6 (B) It is the intent of the Legislature to enact this paragraph to
7 ensure legislative oversight for awards made on a sole source basis,
8 or through an interagency agreement.

9 (3) Notwithstanding any other law, standard terms and
10 conditions that generally apply to contracts between the
11 commission and any entities, including state entities, do not
12 automatically preclude the award of moneys from the fund through
13 the sealed competitive bid method.

14 *SEC. 3. Chapter 8 (commencing with Section 8400) is added*
15 *to Division 4.1 of the Public Utilities Code, to read:*

16
17 *CHAPTER 8. ELECTRICAL SERVICE RESPONSE TIME STANDARDS*

18
19 *8400. (a) For purposes of this chapter, the following definitions*
20 *apply:*

21 *(1) A request for a “nonroutine electrical service upgrade”*
22 *means a request for an electrical corporation to provide additional*
23 *electrical capacity to an existing building that is not a routine*
24 *electrical service upgrade. Notwithstanding paragraph (2), any*
25 *provision of additional electrical capacity that requires the*
26 *underground installation of any physical component is a nonroutine*
27 *electrical service upgrade.*

28 *(2) A request for a “routine electrical service upgrade” means*
29 *a request for an electrical corporation to provide additional*
30 *electrical capacity to an existing building at or within 25 feet of*
31 *the existing meter location that does not require a change in the*
32 *location where the electrical service connects to the distribution*
33 *system.*

34 *(b) An electrical service upgrade or extension of electrical*
35 *service includes all aspects of the work of the electrical corporation*
36 *or its agents necessary to complete the required project, including,*
37 *as applicable, all of the following:*

38 *(1) A virtual or in-person inspection of the current meter*
39 *location.*

40 *(2) Upgrades of service conductors.*

1 (3) *Transformer upgrades.*

2 (4) *On-pole upgrades.*

3 (5) *Virtual or in-person inspections of the electrical panel for*
4 *the building.*

5 (6) *Service reconnection.*

6 8401. (a) *The commission shall establish the shortest feasible*
7 *timeframe, not to exceed 10 business days, for an electrical*
8 *corporation to complete its portion of the work associated with a*
9 *request for a routine electrical service upgrade from the time the*
10 *request is received until all work is completed and upgraded*
11 *service is reconnected.*

12 (b) *If an electrical corporation determines, during its response*
13 *to a request for a routine electrical service upgrade, that the*
14 *location of the electrical meter is required to be moved to a new*
15 *location on the building to comply with safety or other*
16 *requirements, then the time from when the electrical corporation*
17 *notifies the building owner's representative of the need for this*
18 *relocation until the utility is notified that a new electrical panel is*
19 *ready for connection at the new location shall not be counted*
20 *toward the time permitted pursuant to subdivision (a).*

21 (c) *The commission shall require each electrical corporation*
22 *to perform capacity planning to maintain an amount of additional*
23 *capacity on its distribution system to meet the additional*
24 *foreseeable demands for electrical services for existing buildings*
25 *to meet the timeframe established under subdivision (a).*

26 (d) *The commission shall allow costs incurred as a result of*
27 *this section that exceed the electrical corporation's Electric Tariff*
28 *Rule 15 (distribution line extensions) and Rule 16 (service line*
29 *extension) to be treated as a common facility costs to be recovered*
30 *from all ratepayers.*

31 8402. *For extensions of electrical service or nonroutine*
32 *electrical service upgrades, the commission shall, except as*
33 *provided in Section 8403, require each electrical corporation to*
34 *meet all of the following requirements:*

35 (a) *Have a representative of the electrical corporation available*
36 *for a meeting, either onsite or remotely, with the representative of*
37 *the building owner within five business days of a request for*
38 *extension or upgrade of service.*

39 (b) (1) *Prepare, or review and approve, construction drawings*
40 *for the provision of electrical service within 10 business days of*

1 receiving the required information from the building owner or the
2 owner's representative.

3 (2) If the electrical corporation notifies the building owner's
4 representative of deficiencies in the submitted documents, then the
5 time from the notification until the deficiency is cured shall not be
6 counted toward the time permitted by paragraph (1).

7 (c) Complete all work, if performed by the electrical
8 corporation, necessary for the provision of electrical service within
9 15 business days of the approval from a local agency authorizing
10 the work.

11 8403. The commission shall determine special circumstances
12 under which a failure to meet the requirements of Section 8401 or
13 8402 is excused. Special circumstances may include, but are not
14 limited to, unusual right-of-way or access issues, tree removal
15 requirements, the location of the building relative to the
16 distribution feeder line, an increase in service capacity significantly
17 exceeding the building's prior total energy consumption plus
18 anticipated energy requirements for occupants' vehicle charging,
19 and a force majeure event occurring in the area in which the
20 building is located.

21 8404. Each electrical corporation shall publish a notice on
22 the relevant portion of its internet website describing the
23 requirements and timeframes established by this chapter with
24 content intended to make building owners aware of their rights
25 pursuant to this chapter.

26 8405. (a) Beginning January 1, 2023, each electrical
27 corporation shall report annually to the commission the number
28 of requests for routine electrical service upgrades and for
29 extensions of electrical service or nonroutine electrical service
30 upgrades in the prior calendar year and all cases in which the
31 electrical corporation fails to complete requests in compliance
32 with Section 8401 or 8402. For requests for which the electrical
33 corporation failed to meet the time period specified in Section
34 8401 or 8402, the electrical corporation shall specify special
35 circumstances, if any, as determined pursuant to Section 8403,
36 that would excuse the failure.

37 (b) The commission may assess a civil penalty not to exceed ten
38 thousand dollars (\$10,000) for each violation of Section 8401 or
39 8402 that is not excused due special circumstances.

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

10 ~~SECTION 1. It is the intent of the Legislature to enact~~
11 ~~subsequent legislation that will help the state achieve its climate~~
12 ~~and air pollution reduction goals in the building sector through~~
13 ~~actions such as reducing barriers to upgrading electrical service~~
14 ~~panels or accommodating additional electrical appliances within~~
15 ~~existing service panels.~~

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: 2021 Legislative Platform

RECOMMENDED ACTION

Staff requests Legislative Committee (Committee) review and approve the attached revised draft legislative platform for 2021.

BACKGROUND

The legislative platform is an attempt to provide overall advocacy principles to the Committee and Board of Directors, as well as provide guidance to Air District staff for the upcoming year.

Staff will provide follow up information to the Committee regarding usage of health impact metrics in the rulemaking process, per request from February 17, 2021 Committee meeting.

DISCUSSION*Legislative Platform*

Attached for review and consideration is the revised draft legislative platform for 2021, the first year of a two-year state legislative session, a new Congress, and a new Presidential Administration. The platform is divided into three sections – state budget, state legislation, and federal legislation. The platform does not commit the Air District to positions on every legislative proposal in the listed categories but does provide a metric for use in bringing proposals to the Committee for discussion.

For information, a calendar is attached with likely future meetings and topics.

Health Impact Metrics in Rulemaking

At previous Committee meetings, advocates and committee members have expressed interest in legislation aimed at requiring use of health impact metrics in air district rulemaking processes. Staff will provide information on current non-legislative efforts in this area.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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

Attachment 6A: Revised Draft of 2021 Legislative Platform
Attachment 6B: 2021 Legislative Committee Calendar



Legislative Platform (2021)

State Budget

1. **State Funding for Clean Air Projects:** Advocate for new and continued funding for investment in projects that reduce air pollution and exposure in the Bay Area. The Air District will pursue funding to support programs in the Bay Area Region from all available sources, including Carl Moyer, the Greenhouse Gas Revenue Fund, Assembly Bill (AB) 118, and the Air Pollution Control Fund.
2. **AB 617 Community Air Protection Implementation and Incentive Funding:** Advocate for adequate and continuous funding to support the Air District's AB 617 Community Air Protection Program. The state should provide necessary resources to fund the emissions inventory, regulatory, administrative, air monitoring, and community outreach activities necessary to effectively implement AB 617 requirements. The 2021/22 budget includes \$50 million (M) and \$265M statewide for implementation and incentives, respectively. When possible, the Air District will advocate support for continued funding and/or increases to funding.
3. **Carl Moyer Program AB 1274 Funding:** While passed in 2017 to boost funding to the Carl Moyer Program, AB 1274 funding was collected from certain motor vehicle registrations but not dispersed to air districts due to unchanged state budget caps. The 2021/22 budget corrects this error by providing approximately \$150M in collected funds to the Carl Moyer Program, of which approximately \$25M would go to the Bay Area Air District. The Air District will strongly advocate for this line item.
4. **Carl Moyer/Mobile Source Incentive Fund/AB 118 Reauthorization:** The 2021/22 budget proposes a reauthorization of the Carl Moyer Memorial Air Quality Standards Program, the AB 923 Program (also known as the Air District's Mobile Source Incentive Fund [MSIF]), and the California Energy Commission's AB 118 Program through 2045. These programs currently sunset at the end of 2023. The Air District will strongly advocate for extension of Moyer and 923 as part of the state budget process.
5. **Wildfire Smoke Public Health Response:** The Air District sponsored AB 836 Wildfire Smoke Clean Air Centers Pilot Program by Assemblymember Wicks in 2019, which received funding in the state budget for 2020/21 for \$5M. The 2021/22 budget does not currently fund this program, and the Air District will strongly advocate for continued funding.
6. **Support for Air District Activities Related to Wildfire Mitigation:** The passage of Senate Bill (SB) 1260 in 2018 provided funding for air districts to support prescribed fire and other forest health activities by land managers. The 2021/22 budget includes a small amount of funding for this purpose, which the Air District will continue to advocate for.
7. **Clean Tech Financing:** Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.



Legislative Platform (2021)

State Legislation

1. **Vehicle Emissions and Congestion Relief:** Support legislative proposals that encourage active transportation, reduce vehicle miles traveled, and reduce emissions in the transportation sector. Oppose legislative proposals that roll back existing smog check and vehicle maintenance requirements.
2. **Climate Change:** Support legislative proposals that align with the Air District's 2017 Bay Area Clean Air Plan, including limiting fossil fuel combustion, stopping methane leaks, advancing zero-emission vehicle usage, advancing clean fuel adoption, accelerate low carbon buildings, supporting Community Choice Aggregation programs, and building energy efficiency in both new and existing buildings.
3. **AB 617 Community Air Protection Program:** Support legislative proposals that seek to reduce emissions and exposure in overburdened communities within the parameters of the Federal Clean Air Act and California Clean Air Act.
4. **Wildfire Smoke Public Health Response:** Support legislative proposals that would improve indoor air quality in public and non-public spaces through improved filtration or weatherization, especially in vulnerable and disadvantaged communities.
5. **Emergency Backup Generation:** Support legislative proposals that seek to reduce diesel particulate emissions in backup generation through use of cleaner generation. Oppose legislative proposals that restrict air district regulatory authority of diesel backup generators.
6. **Toxic Air Emissions:** Support legislative proposals to reduce emissions and exposure of air toxics. Oppose legislation that would potentially result in increases of air toxic emissions in the Bay Area Region.
7. **Stationary Source Greenhouse Gas Authority:** Support legislative proposals to allow local air district the authority to establish stationary source greenhouse gas permit requirements.



Legislative Platform (2021)

Federal Legislation

1. **Federal Funding for Air District Clean Air Programs:** Advocate for continuous and increased funding for Air District programs that reduce emissions and exposure, or that support monitoring and planning efforts in the Bay Area Region, including federal 103 and 105 grants, Diesel Emission Reduction Act grants, and Targeted Airshed Grants.
2. **Wildfire Smoke Public Health Response:** Support federal level efforts, including legislative efforts, to improve wildfire smoke public health response and indoor air quality in the Bay Area Region.
3. **Clean Transportation Programs:** Support efforts to include funding for clean transportation infrastructure in future federal transportation bills and economic stimulus bills.
4. **Clean Energy Programs:** Support efforts to promote clean energy technology through incentive funding or tax credits, especially in disadvantaged communities in the Bay Area. Support proposals to provide financing assistance to clean technology projects, and if possible, funding for the Air District's Climate Tech Finance Program.
5. **Particulate Matter Standards:** Support efforts to review EPA's 2020 decision to leave federal PM_{2.5} unchanged, per recommendations of Air District Board and Advisory Committee.
6. **Vehicle Emission Standards:** Support efforts to develop more stringent vehicle emission standards that align with current California standards for light duty, medium duty, and heavy-duty vehicles. Support efforts to retain California vehicle emission standard authority.

Legislative Committee Topics for 2021

03/05/2021

Meeting Schedule (Monthly)*	Topics
February	<ul style="list-style-type: none"> • Review of Governor’s Proposed 2021-22 Budget • Review Bills of Interest – Take positions as appropriate. • Review 2021 Legislative Platform • Federal Update
March	<ul style="list-style-type: none"> • Review Bills of Interest – Take positions as appropriate. • Review/Approve Legislative Platform • Sacramento Update • Federal Update
April	<ul style="list-style-type: none"> • Review Bills of Interest – Take positions as appropriate. • Sacramento Update • Federal Update
May	<ul style="list-style-type: none"> • Review Bills of Interest – Take positions as appropriate. • State Budget Update
June	<ul style="list-style-type: none"> • State Budget Update • Federal Update
July	<ul style="list-style-type: none"> • Cancel
<i>No scheduled meetings in August.</i>	
September	<ul style="list-style-type: none"> • Cancel
October	<ul style="list-style-type: none"> • Legislative Session Year in Review • Federal Update • Discussion Regarding 2022 Priorities
November	<ul style="list-style-type: none"> • Cancel
December	<ul style="list-style-type: none"> • 2022 Priorities • 2022 Legislative Platform

****Standing Legislative Committee meetings are the 3rd Wednesday of each month @ 1:00 p.m.***

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairpersons Margaret Abe-Koga and Pauline Russo Cutter, and Members
of the Legislative Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: March 11, 2021

Re: Federal Legislative Update

RECOMMENDED ACTION

None; receive and file.

BACKGROUND

The Legislative Committee (Committee) will receive an update on recent events of significance on the federal level.

DISCUSSION

Staff completed an initial round of meetings with congressional staff to discuss Air District priorities and legislators' priorities. Staff will provide a verbal update regarding those meetings.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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