

Bay Area Air Quality Management District
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APPROVED MINUTES

Summary of Board of Directors
Legislative Committee Meeting
Monday, March 14, 2022

This meeting was conducted under procedures authorized by Assembly Bill 361. Members of the Committee participated by teleconference.

1. CALL TO ORDER – ROLL CALL

Legislative Committee (Committee) Chairperson, Pauline Russo Cutter, called the meeting to order at 1:01 p.m.

Roll Call:

Present: Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Lynda Hopkins, Brad Wagenknecht, and Lori Wilson.

Absent: Directors Margaret Abe-Koga, Erin Hannigan, and David Hudson.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC MEETING PROCEDURE

4. AIR DISTRICT SPONSORED BILLS (OUT OF ORDER, ITEM 6)

Alan Abbs, Legislative Officer, gave an update on the following Air District-sponsored bills:

- **AB 1897 (Wicks) - *Nonvehicular air pollution control: refineries: penalties.*** Existing law prohibits a person from discharging from nonvehicular sources air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause, or have a natural tendency to cause, injury or damage to business or property. This bill would make a person who violates this provision liable for a civil penalty of not more than \$30,000 if the violation results from a discharge from a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act, and the stationary source is a refinery, the discharge results in a severe disruption to the community, the discharge contains or includes one or more toxic air contaminants, as specified, and 25 or more people are exposed to the discharge. The bill would additionally make a person who violates this provision liable for a civil penalty of not more than \$100,000 for a subsequent violation within a 12-month period. Mr. Abbs

reported that this bill is being referred to both the Assembly's Committee on Natural Resources and Judiciary Committee.

- **AB 2214 (C. Garcia)** - *California Environmental Quality Act: schoolsites: acquisition of property*. This bill would also require the governing board or body of a charter school or private school, before acquiring title to property for a new schoolsite or for an addition to a present schoolsite, to give notice in writing of the proposed acquisition to the planning commission. The bill would also require the planning commission to investigate the proposed site and submit a written report to the governing board or body of the charter school or private school.
- **AB 2721 (Lee)** - *District Board: compensation*. This bill would revise the amount of compensation that a member of the Board may receive for attending a meeting of the Board or attending a meeting while on official business of the Air District to an amount not to exceed \$100 per meeting and \$200 per day. The bill would also authorize a member of the Board to receive compensation for active transportation travel to one of these meetings and would subject this compensation to the \$6,000 total annual compensation limit. Mr. Abbs reported that this bill is being referred to the Assembly's Committee on Natural Resources.

Public Comments

Public comments were given by Jed Holtzman, San Francisco resident.

Committee Comments

The Committee and staff discussed AB 1897's proposed maximum violation penalty per day; and which agency finances the AB 2214 Planning Commission study, concerns that school districts will have to absorb the costs instead of the charter school in question, and the Air District's relationship with Assemblymember Garcia.

Committee Action

None; receive and file.

5. CONSIDERATION OF NEW BILLS (ITEM 7)

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including: outcome; outline; requested action; AB 2206 (Lee) – *Employee parking*; AB 2563 (Quirk) - *Air pollution: permits: mobile fueling on-demand tank vehicles*; and Senate Bill (SB) 1393 (Archuleta) - *Energy: appliances: local requirements*.

Following the presentation, Mr. Abbs listed additional bills that are being monitored by the Air District:

- **AB 1749 (C. Garcia)** – *Community Air Protection Blueprint: community emissions reduction programs: toxic air contaminants and criteria air pollutants*. Existing law requires the State Air Resources Board to prepare, and to update at least once every 5 years, a statewide strategy, known as the “Community Air Protection Blueprint” or “Blueprint,” to reduce emissions of toxic air contaminants and criteria air pollutants in

communities affected by a high cumulative exposure burden. Existing law requires the state board to include in the statewide strategy, among other components, an assessment and identification of communities with high cumulative exposure burdens for toxic air contaminants and criteria air pollutants, prioritizing disadvantaged communities and sensitive receptor locations based on specified factors. Existing law requires the state board, based on the assessment and identification of communities with high cumulative exposure burdens, to select locations around the state for preparation of community emissions reduction programs. Existing law requires an air district encompassing any location selected by the state board to adopt, within one year of the state board's selection, a community emissions reduction program to achieve emissions reductions for the location selected using cost-effective measures. Existing law also requires an air district to submit the community emissions reduction program to the state board for review and approval as prescribed, and to prepare an annual report summarizing the results and actions taken to further reduce emissions pursuant to the community emissions reduction program, among other things. This bill would require the state board to identify in each statewide strategy update measures to reduce criteria air pollutants and toxic air contaminants. The bill would authorize an air district that is required to adopt a community emissions reduction program to take up to one additional year to adopt the program, if the community steering committee agrees. The bill would require an air district that is required to adopt a community emissions reduction program to additionally include in its annual report a summary of updates to the program made to ensure consistency with the statewide strategy. By increasing the duties of air districts, this bill would impose a state-mandated local program. This bill would require a district that issues permits to stationary sources of criteria air pollutants or toxic air contaminants to make available in an easily identifiable location on the district's internet website all permits issued by the district for those stationary sources.

- **AB 2836 (E. Garcia)** - *Carl Moyer Memorial Air Quality Standards Attainment Program*. This bill would make nonsubstantive changes to the Carl Moyer Memorial Air Quality Standards Attainment Program, a program that authorizes the state board to provide grants to offset the incremental cost of eligible projects that reduce emissions from covered vehicular sources, and authorizes funding for a fueling infrastructure demonstration program and technology development efforts that are expected to result in commercially available technologies.
- **AB 2852 (Bloom)** - *Air pollution control districts and air quality management districts*. Existing law provides for the establishment of air pollution control districts and air quality management districts. Existing law declares a district a body corporate and politic and a public agency of the state. This bill would make a nonsubstantive change to that latter provision.
- **AB 2928 (Cooper)** - *Personal income taxes: Clean Cars 4 All Program: retirement and replacement*. This bill, for taxable years beginning on or after January 1, 2022, would exclude from gross income moneys awarded to a taxpayer pursuant to the Clean Cars 4 All Program. Existing law requires any bill authorizing a new tax expenditure to contain, among other things, specific goals, purposes, and objectives that the tax expenditure will achieve, detailed performance indicators, and data collection requirements. This bill would include additional information required for any bill authorizing a new tax expenditure.

- **AB 2056 (Grayson) - Bar pilots: pilotage rates: pilot boat surcharge.** This bill would specify, for purposes of the pilot boat surcharge provisions, that the costs of obtaining new pilot boats includes the costs of repowering existing pilot boats or the acquisition of new pilot boats to meet the requirements of any rule governing the emissions of commercial harbor craft adopted by the State Air Resources Board.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed the least element of AB 2206, and whether bicycle spaces and other commute benefits are offered as employee parking; the goal of the California Energy Commission regarding SB 1393; and why the Air District is choosing to oppose SB 1393.

Committee Action

Director Wagenknecht made a motion, seconded by Chairperson Cutter, to **recommend** the Board adopts the following positions for the following bills: SUPPORT AB 2206; OPPOSE AB 2563 and OPPOSE SB 1393; and the motion **carried** by the following vote of the Committee:

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

CONSENT CALENDAR (ITEMS 4 & 5)

- 6. APPROVAL OF THE MINUTES OF FEBRUARY 14, 2022 (ITEM 4)**
- 7. APPROVAL OF THE LEGISLATIVE PLATFORM FOR 2022 (ITEM 5)**

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Wagenknecht made a motion, seconded by Chairperson Cutter, to **approve** the Consent Calendar Items 4-5, and the motion **carried** by the following vote of the Committee:

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

OTHER BUSINESS

8. PUBLIC COMMENT ON NON-AGENDA MATTERS

Public comments were given by Dr. Stephen Rosenblum, Palo Alto resident.

9. COMMITTEE MEMBERS' COMMENTS / OTHER BUSINESS

Director Wagenknecht requested that Mr. Abbs reaches out to Dr. Rosenblum regarding his questions about AB 1897.

10. TIME AND PLACE OF NEXT MEETING

Monday, April 11, 2022 at 1:00 p.m., in person or via webcast, teleconference, or Zoom, pursuant to procedures in accordance with AB 361 (Rivas 2021).

11. ADJOURNMENT

The meeting adjourned at 2:00 p.m.

/s/ Marcy Hiratzka
Marcy Hiratzka
Clerk of the Boards