

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

Legislative Committee Meeting
Monday, April 11, 2022

APPROVED MINUTES

*Note: Audio recordings of the meeting are available on the website of the
Bay Area Air Quality Management District at
www.baaqmd.gov/bodagendas*

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

1. Call to Order - Roll Call

Opening Comments: Legislative Committee (Committee) Chair Pauline Russo Cutter called the meeting to order at 1:01 p.m.

Roll Call:

Present: Committee Chairperson Pauline Russo Cutter; Vice Chairperson Rob Rennie; and Directors Margaret Abe-Koga, David Haubert, Lynda Hopkins; and Brad Wagenknecht.

Absent: Directors Erin Hannigan; and David Hudson.

2. Pledge of Allegiance

3. Public Meeting Procedure

4. Approval of the Minutes of March 14, 2022

Public Comments

No requests received.

Committee Comments

None.

Committee Action

Director Abe-Koga made a motion, seconded by Director Wagenknecht, to **approve** the minutes of March 14, 2022; and the motion **carried** by the following vote of the Committee:

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

PRESENTATIONS (Items 5 - 6)

5. Air District-Sponsored Bills

Alan Abbs, Legislative Officer, provided an oral update regarding Air District-sponsored bills. Mr. Abbs referenced three bills:

- **Assembly Bill (AB) 1897 (Wicks) – Nonvehicular Air Pollution Control: civil penalties: refineries.** 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. The bill would require civil penalties collected pursuant to this provision, above the costs of prosecution, to be expended to mitigate the effects of air pollution in communities affected by the violation. Mr. Abbs reported that on April 18, 2022, this bill would be heard in the Assembly’s Committee on Natural Resources, and in the Assembly’s Judiciary Committee on April 25, 2022.
- **AB 2214 (C. Garcia) - California Environmental Quality Act (CEQA): schoolsites: acquisition of property: school districts, charter schools, and private schools.** 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 certain conditions are met relating to, among other things, hazardous emissions or substances safety considerations. This bill would impose those prohibitions on the governing body of a charter school and the governing body of a private school, and would make the provisions relating to school districts also applicable to charter schools and private schools. The bill would apply the Phase I environmental assessment requirements to school districts, charter schools, and private schools, without conditioning the requirements on the receipt of state funds. CEQA requires the Office of Planning and Research to prepare and adopt guidelines to implement CEQA, and requires those guidelines to include

a list of classes of projects that have been determined not to have a significant effect on the environment and that are required to be exempt from CEQA. This bill would prohibit a project that involves demolition, construction, or alteration of a public school, including a charter school, or a private school from being exempted from CEQA pursuant to those guidelines. Mr. Abbs reported that this language is similar to that of last year's version of this bill. This bill was scheduled to be heard in the Assembly's Committee on Education on April 20, 2022, and then, if it passes, in the Assembly's Committee on Environmental Safety and Toxic Materials on April 25, 2022.

- **AB 2721 (Lee) – Bay Area Air Quality Management District: 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 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 was referred to the Assembly's Committee on Natural Resources at the beginning of April, and he and Vice Chair Bauters gave testimony. This bill was to be heard on the Assembly floor on April 18, 2022.

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed reasons the (Lee and C. Garcia) school site bill did not pass last year; and the quality of the construction of the different school buildings.

Committee Action

None; receive and file.

6. Consideration of New Bills

Mr. Abbs gave the staff presentation *Consideration of New Bills*, including: outcome, outline, requested action, AB 2852 (Bloom); AB 2910 (Santiago); Senate Bill (SB) 1382 (Gonzalez); SB 1235 (Borgeas); and AB 2816 (Ting).

Public Comments

No requests received.

Committee Comments

The Committee and staff discussed whether SB 1235 (Borgeas) involves eliminating the permitting of backup generators, and which states require permitting similar to the Air District; and the degree to which the Air District should oppose SB 1235, and whether other air districts also oppose SB 1235.

Committee Action

Director Abe-Koga made a motion, seconded by Committee Chair Cutter, to recommend the Board **adopt** the following positions on the following bills:

- **Support** AB 2852 (Bloom) - Air pollution control districts and air quality management districts: independent special districts: funding.
- **Support** AB 2910 (Santiago) - Nonvehicular air pollution: civil penalties.
- **Support** SB 1382 (Gonzalez) - Air pollution: Clean Cars 4 All Program: Sales and Use Tax Law: zero emissions vehicle exemption.
- **Oppose** SB 1235 (Borgeas) - Air pollution: portable equipment: emergency events.
- **Oppose Unless Amended** AB 2816 (Ting) - State Air Resources Board: zero-emission incentive programs: requirements.

The motion **carried** by the following vote of the Committee:

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

After the vote, Mr. Abbs referenced other bills that the Air District is currently monitoring:

- **AB 2836 (E. Garcia) - Carl Moyer Memorial Air Quality Standards Attainment Program: vehicle registration fees: California tire fee.** This bill would extend the current authorization for the Carl Moyer Program to fund a broader range of projects that reduce emissions from covered sources until January 1, 2033. This bill was scheduled to be heard in the Assembly’s Committee on Transportation, on April 18, 2022, and the Air District is a co-sponsor of the bill.
- **AB 2928 (Cooper) - Personal income taxes: Clean Cars 4 All Program: retirement and replacement.** Existing law requires the state board to annually post on its internet website a performance analysis of the replacement and mobility options component of the State’s Clean Cars 4 All program (which includes information regarding how incentive levels can be modified to maximize participation and emissions reductions.) This bill would require the performance analysis to include information specifically regarding how incentive levels can be modified to maximize participation in low-income or disadvantaged communities. This bill will be heard in the Assembly’s Committee on Transportation.
- **AB 1944 (Lee) - Local government: open and public meetings.** Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. This bill would require the agenda to identify any member of the legislative body that will participate in the meeting remotely. The bill would also require an updated agenda reflecting all of the members participating in the meeting remotely to be posted, if a member of the legislative body elects to participate in the meeting remotely after the agenda is posted. This bill would authorize, under specified circumstances and upon a determination by a majority vote of the legislative body, a member to be exempt from identifying the address of the member’s teleconference location in the notice and agenda or

having the location be accessible to the public, if the member elects to teleconference from a location that is not a public place. This bill is scheduled to be heard in the Assembly's Committee on Local Government on April 19, 2022.

- **AB 2206 (Lee) - Nonattainment basins: employee parking: parking cash-out program.** Existing law requires, in any air basin designated as nonattainment for certain air quality standards, an employer, defined as an employer of 50 persons or more that provides a parking subsidy to employees, to also offer a parking cash-out program. Existing law defines "parking cash-out program" as an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. Existing law defines a "parking subsidy" as the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space. This bill would revise the definitions of "employer," "parking cash-out program," and "parking subsidy." The bill would require a lessor that enters into or renews a lease on or after January 1, 2023, with a lessee that is an employer and that offers parking to the employer to list the market-rate parking costs as a separate line item in the lease, as provided, or to provide a list of parking costs to the employer within 30 days after the lease is entered into or renewed. The bill would require an employer to offer a parking cash-out program even if the employer's lease does not comply with these requirements. This bill was to be heard in the Assembly's Committee on Transportation on April 18, 2022.
- **AB 2550 (Arambula) - State Air Resources Board: national ambient air quality standards: nonattainment districts.** This bill would require the state board, if a district in severe or extreme nonattainment for a national ambient air quality standard has not received a determination of attainment from the United States Environmental Protection Agency by the applicable attainment date for that standard, to undertake certain activities, including coordinating with the district and community-based organizations in the district and conducting outreach to under-resourced communities in the district to identify gaps in the state implementation plan and the district's attainment plan, rules, regulations, programs, and enforcement practices that impact the district's ability to attain and maintain that ambient air quality standard and to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district, as provided. The bill would require the state board to conduct at least one public hearing in the district regarding the district's attainment plan, and would require the state board to solicit public comment on specified topics, including the state board's review of the district's attainment plan, rules, regulations, programs, and enforcement practices, data regarding stationary sources in the district, including monitoring and enforcement of those sources, and the state board's plan to coordinate with the district to provide additional monitoring and enforcement capacity for stationary sources in the district. This bill's sponsors are from the San Joaquin Valley.

OTHER BUSINESS

7. Public Comment on Non-Agenda Matters

No requests received.

8. Committee Member Comments

None.

9. Time and Place of Next Meeting

The next meeting will be held on Monday, May 9, 2022, at 1:00 p.m. via webcast, teleconference, or Zoom, pursuant to procedures in accordance with AB 361 (Rivas 2021).

10. Adjournment

Committee Chair Cutter adjourned the meeting at 1:52 p.m.

/s/ Luis Espino
Luis Espino
Acting Clerk of the Boards