



Consideration of State and Federal Legislation

Board of Directors Meeting

March 5, 2025

Alan Abbs

Legislative Officer

Legislative and Government Affairs



Action Requested

Adopt the following positions on current legislation:

- Federal Legislation introduced in the United States House of Representatives (H.R.) or United States Senate (S.):
 - 1. Support H.R.566 (Peters, Scott H. [D-CA-50]) – Cleaner Air Spaces Act**
 - 2. Support S.147 (Bennet, Michael F. [D-CO]) – Cleaner Air Spaces Act**
- State Legislation introduced in the California State Senate (SB) or California State Assembly (AB):
 - 1. Support AB 546 (Caloza) – Health care coverage: portable HEPA purifiers and filters.**

The Policy, Grants, and Technology Committee (Committee) voted to recommend approval of these items at its meeting on February 26, 2025.



FEDERAL LEGISLATION

Cleaner Air Spaces Act

Senator Michael Bennet (D-CO) and Representative Scott Peters (D-CA-50) recently introduced companion bills (S.147 and H.R.566, respectively), reintroducing the Cleaner Air Spaces Act.

The proposed legislation would provide grants to expand local clean air programs that provide free air filtration units to households and establish clean air centers in communities with a high risk of wildfire smoke exposure.

Committee Recommendation: Support

STATE LEGISLATION

AB 546 (Caloza)

Health care coverage: portable HEPA purifiers and filters

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2026, to include coverage for portable high-efficiency particulate air (HEPA) purifiers and filters for enrollees or insureds who are pregnant or diagnosed with asthma or chronic obstructive pulmonary disease. The bill would prohibit a portable HEPA purifier and filter covered pursuant to these provisions from being subject to a deductible, coinsurance, or copayment requirement.

Committee Recommendation: Support

Recap: Action Requested

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Questions/Feedback

For more information:

Alan Abbs, Legislative Officer | aabbs@baaqmd.gov



Overview of Air District Legal Division

Board of Directors Meeting

March 5, 2025

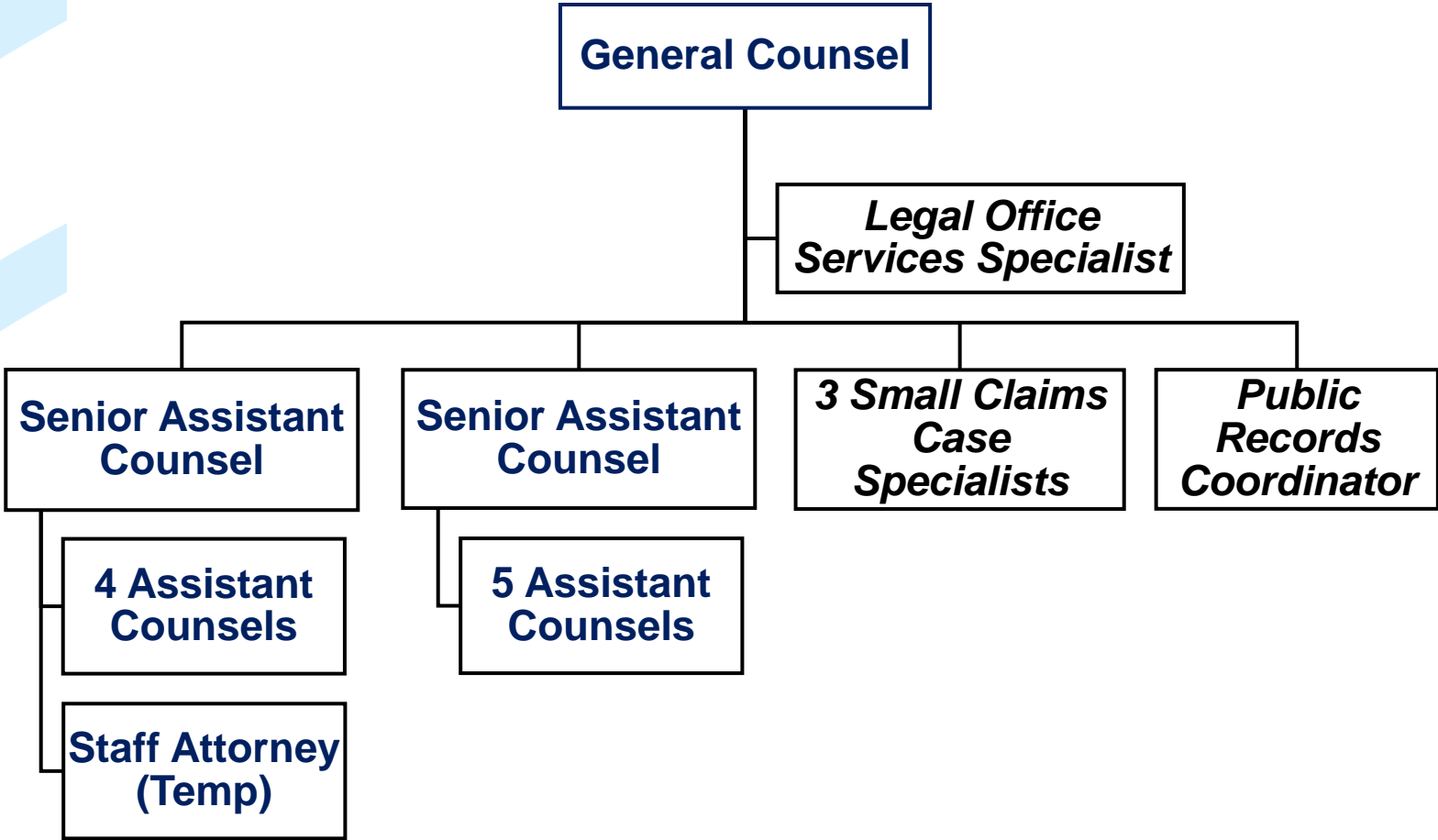
Alexander "Sandy" Crockett
General Counsel

AGENDA: 21

Presentation Outline

- Legal Division Organization
- Enforcement
- Litigation
- Other Air District Program Areas
- Public Agency Legal Requirements
- Air District Business Functions
- What's Coming in 2025

Legal Division Organization



Recent Transitions

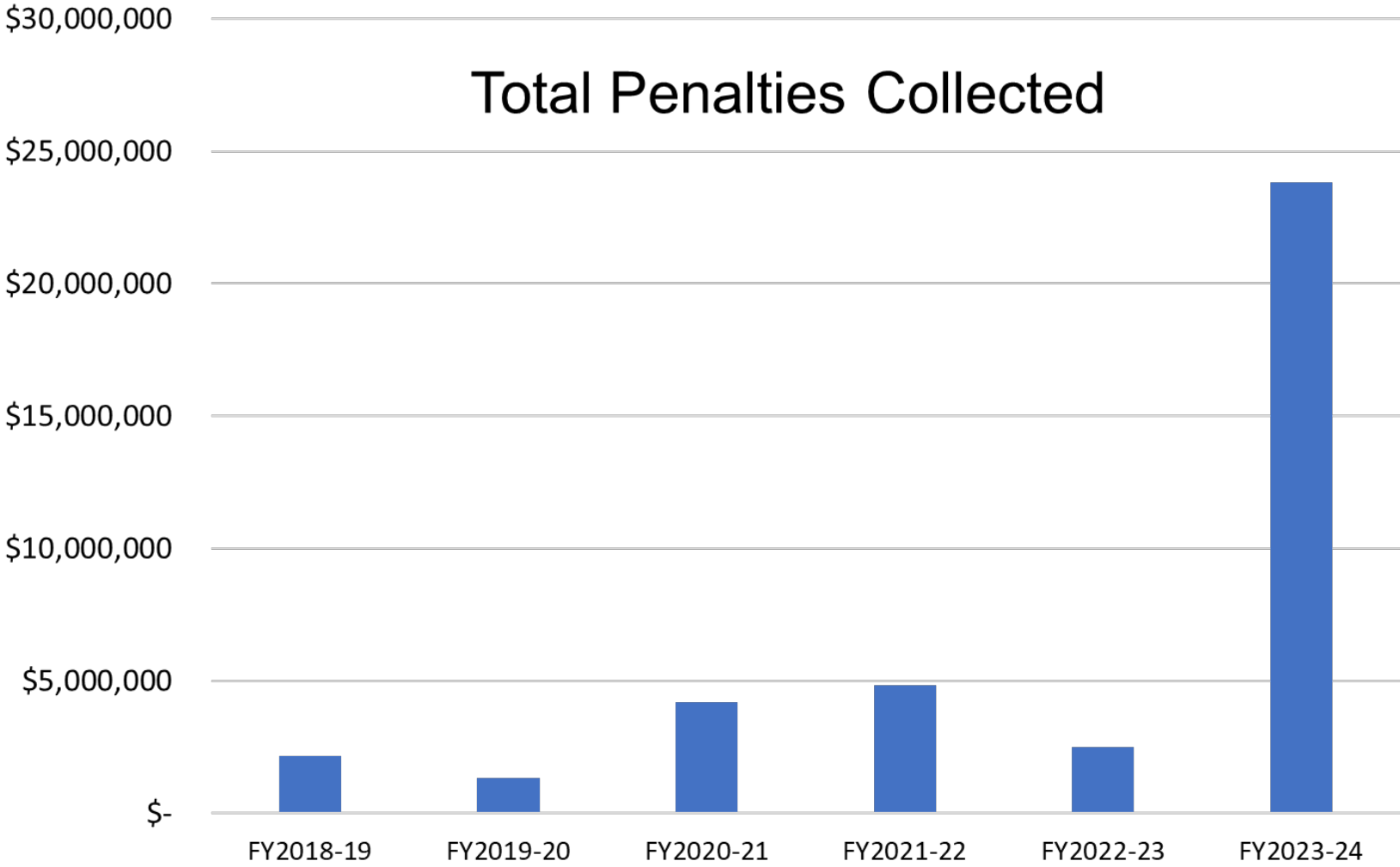
- General Counsel position vacant for 11 months (2021-2022)
- Almost entirely new attorney corps
- New management structure

Enforcement - Overview

- Resolve Notices of Violation (NOVs)
 - 2024 Results:
 - 1,132 Violations Resolved with Penalties
 - \$110,694,506 in Penalties Assessed
- Hearing Board Cases
 - Abatement Orders
 - Variances
- Superior Court Civil Prosecutions



Enforcement – Penalty Collection History



Enforcement Case Study – Valero Refinery



- Volatile organic compounds (VOCs) emitted in violation of Air District regulations
- Violations ongoing since at least 2003
- Valero management knew but did not report or take steps to address the emissions
- Over 8,400 tons illegally emitted
- Joint prosecution with California Air Resources Board
- \$82 million penalty – largest in Air District history

Enforcement Case Study – Green Sage

- Illegal diesel generators used to power cannabis grow operation in East Oakland
- Historic artist live/work space
- 9 large trailer-sized generators
- Reported by residents and advocates
- Air District obtained Hearing Board abatement order, but operators flouted it
- Went to Superior Court for injunction
- Pursued generator owner / rental company, who took back the generators
- Operator now out of business



Enforcement – Lessons for Further Improvement

- Quicker resolution of enforcement cases
- Community cooperation and input
- Coordination among enforcement agencies
- Maximize use of enforcement authorities and tools

Litigation

- Defense of Air District Regulations, Permits, and Other Actions
 - Forced petroleum refiners to drop challenges to Rule 6-5, a stringent Particulate Matter (PM) regulation with major health benefits
- Affirmative litigation in support of sound regulatory policy
 - Denial of California “waiver” for motor vehicle regulations
 - US Postal Service decision to purchase only 10% Electric Vehicles (EV)
- Handle litigation in-house – and use outside law firm expertise where appropriate



“Thurgood Marshall U.S. Courthouse”
by Heather Paul, from Flickr

Other Air District Program Areas



- **Permit Support**
 - Complex regulatory analyses
 - California Environmental Quality Act (CEQA) compliance
 - Civil rights compliance
- **Rule Development**
- **Community Engagement & Assembly Bill 617**
- **Planning**
 - Air quality planning requirements
 - CEQA thresholds of significance
- **Grants Programs**
 - ~300 grant agreements every year
- **Legislative Advocacy**
- **Clean Air Foundation**

Public Agency Legal Requirements

- Brown Act Compliance
 - Board and Committees
 - Community Advisory Council
 - Scientific Advisory Council
- Public Records Act (PRA)
 - Dedicated Public Records Coordinator
 - ~250-300 PRA requests handled each month
 - Just launched new PRA Tracker platform
- Ethics issues



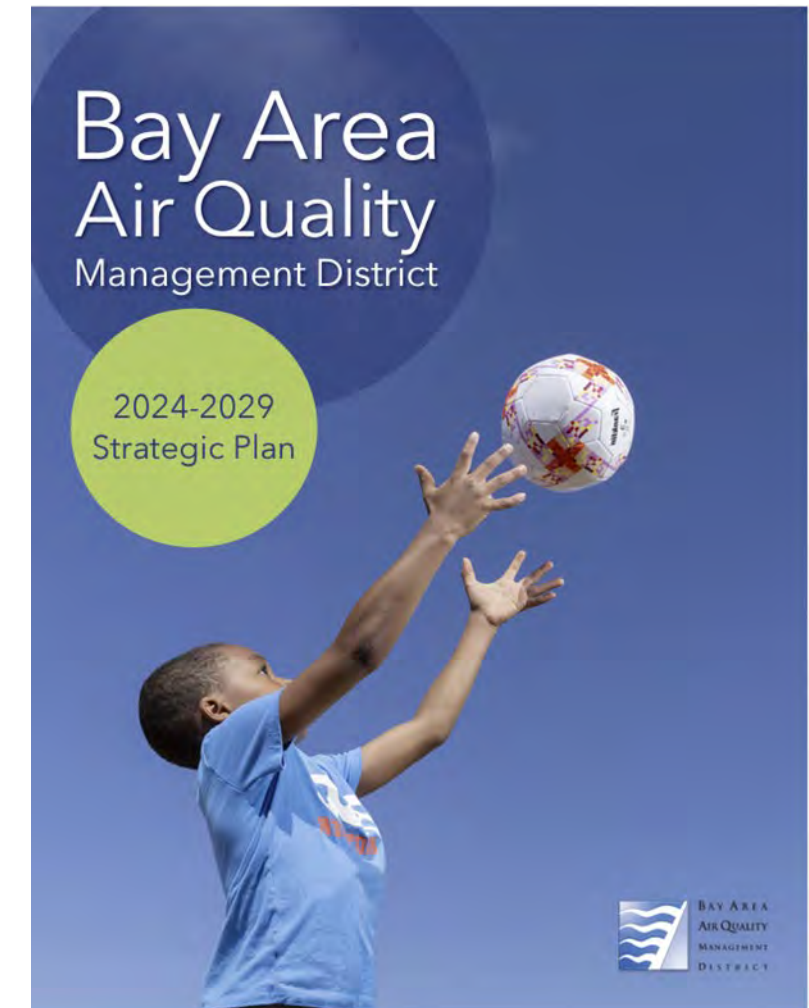
Air District Business Functions



- Procurement & Contracting
 - 500+ contracts per year
- Real Property Issues
- Insurance
- Tax Issues
- Human Resources & Personnel Matters

What's Coming in 2025

- Continue Robust Enforcement Program
- Enforcement-Related Strategic Plan Initiatives
 - Work with community on new enforcement policy
 - Update violation investigation report format
 - Regular community town hall meetings
- Civil Rights Compliance in Permitting
- Environmental Justice Law Fellowship
- Summer Internships



Questions/Feedback

Questions about the Legal Division?





Update on United States Environmental
Protection Agency's Initial Area Designations for
the Federal Annual Fine Particulate Matter
Standard

Board of Directors Meeting

March 5, 2025

Michael Flagg

Principal Air Quality Specialist

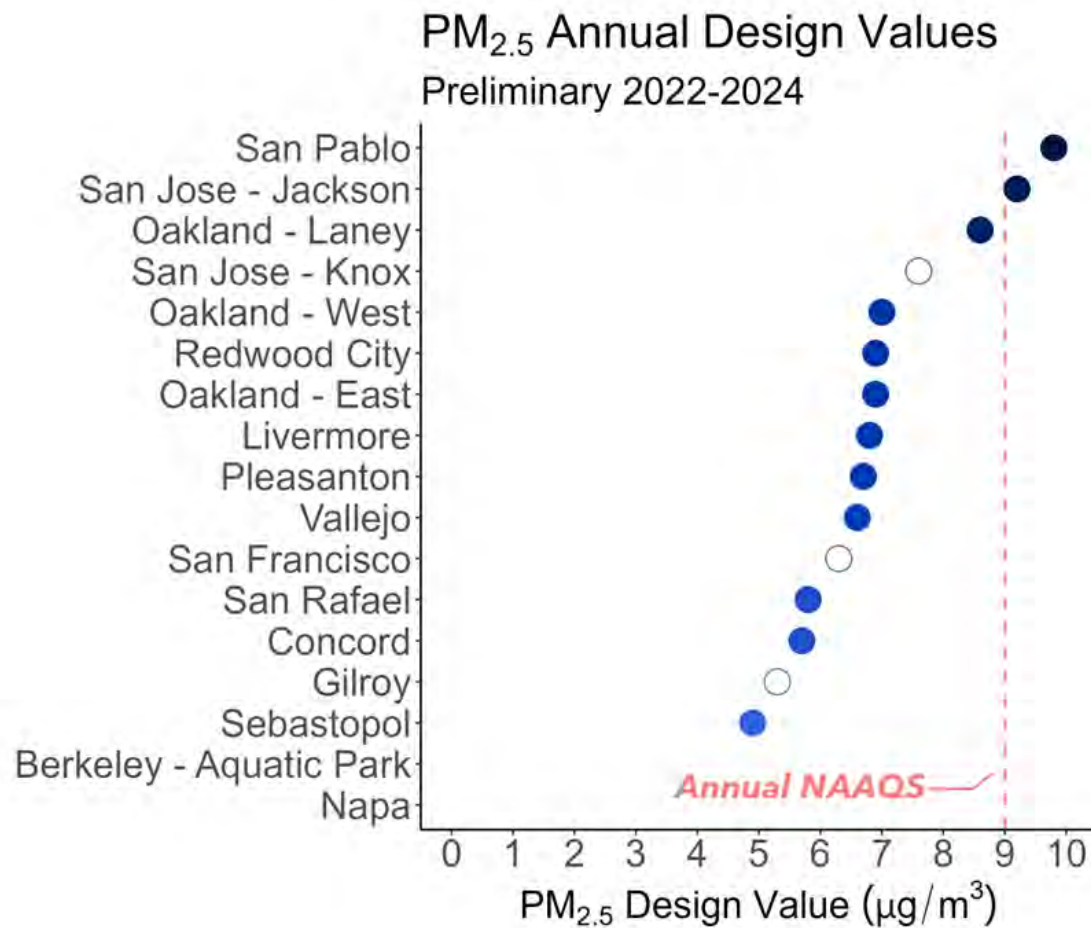
Meteorology and Measurement Division

National Ambient Air Quality Standards (NAAQS)

Indicator	Averaging Time	Previous Level	Current Bay Area Status	Revised Level
PM _{2.5}	Annual	12.0 µg/m ³	Unclassifiable/Attainment	9.0 µg/m ³
PM _{2.5}	24-Hour	35 µg/m ³	Nonattainment	No change/ Retain
PM ₁₀	24-Hour	150 µg/m ³	Unclassifiable/Attainment	No change/ Retain

- Revision of a NAAQS triggers a two-year designations process
- California Air Resources Board has recommended a designation of **nonattainment** for the Bay Area using 2021-2023 data
- United States Environmental Protection Agency (US EPA) will finalize designations using 2022-2024 data

Preliminary 2024 PM_{2.5} Design Values

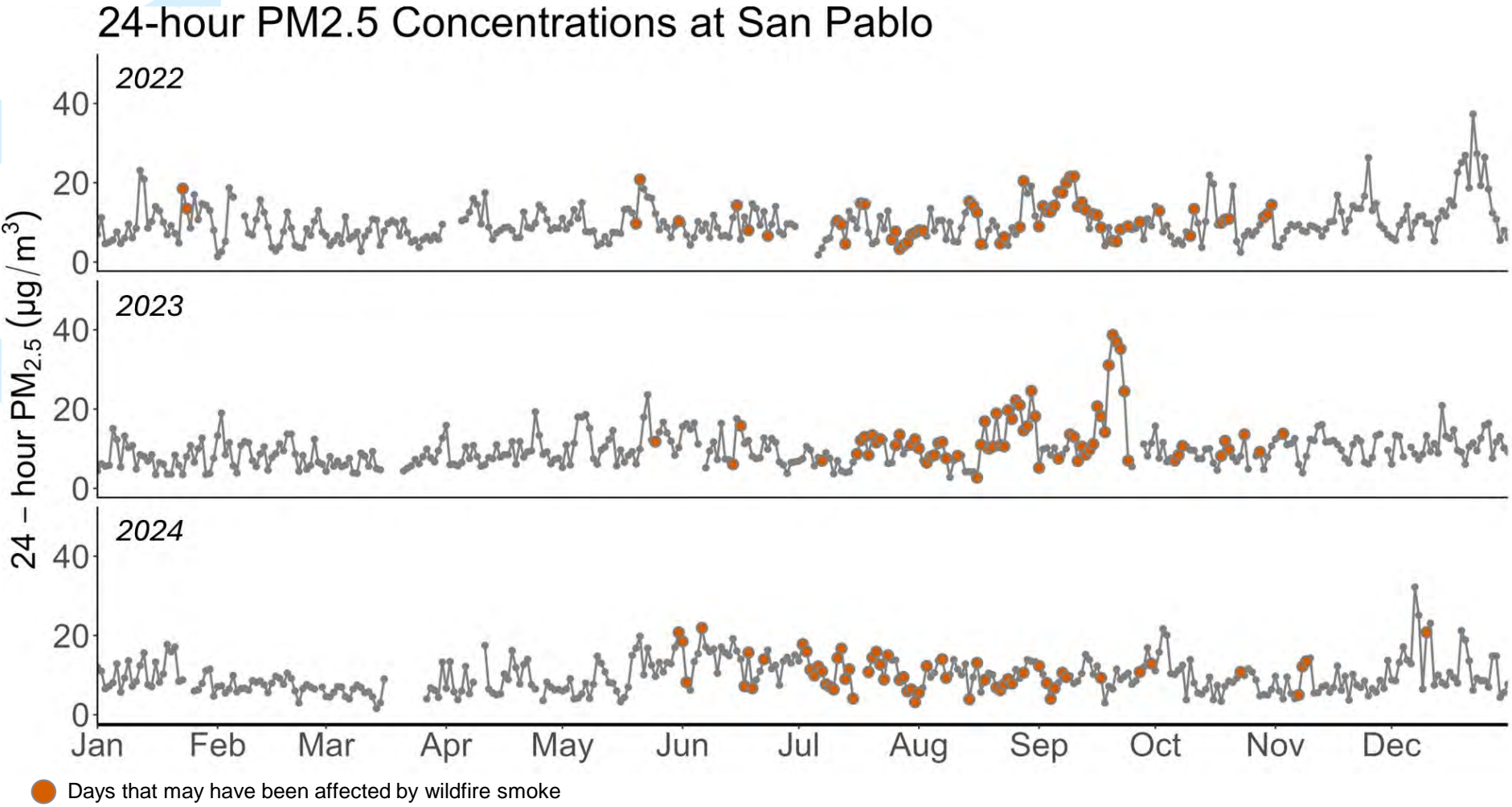


○ Invalid design value

Site Name	2022 Annual Mean	2023 Annual Mean	2024 Annual Mean	2022-2024 DV
San Pablo	9.9	9.9	9.7	9.8
San Jose - Jackson	10.1	8.2	9.3	9.2

- Two monitoring sites currently violating the NAAQS
- Developed a screening method to assess the impact of wildfire smoke on design values

Preliminary 2022-2024 PM_{2.5} Data



- Even if all days that may have been affected by wildfire smoke were removed, the San Pablo design value would still be above 9.0 µg/m³

Designations Timeline

Date	Action
February 7, 2025	State Recommendations due to US EPA
October 9, 2025	US EPA proposes designations and begins comment period
February 6, 2026	US EPA finalizes initial area designations
Late 2027	Moderate area State Implementation Plan due to EPA
December 31, 2032	Attainment date

Questions?

For more information:
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