



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**BOARD OF DIRECTORS
LEGISLATIVE COMMITTEE MEETING**

COMMITTEE MEMBERS

**BRAD WAGENKNECHT –
CHAIRPERSON
MARIA AYERDI
MARK DeSAULNIER
DENA MOSSAR
JOHN SILVA**

**PAMELA TORLIATT–VICE CHAIRPERSON
CHRIS DALY
LIZ KNISS
MARK ROSS**

**WEDNESDAY
APRIL 9, 2003
9:30 A.M.**

**FOURTH FLOOR CONFERENCE ROOM
DISTRICT OFFICES**

AGENDA

1. CALL TO ORDER - ROLL CALL

2. PUBLIC COMMENT PERIOD

(Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Committee's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

3. APPROVAL OF MINUTES OF JUNE 5 AND OCTOBER 16, 2002

4. CONSIDERATION OF NEW LEGISLATION AND CORRESPONDING AGENCY POSITIONS

**T. Addison/5109
taddison@baaqmd.gov**

(a) AB 471 (Simitian)—Requires cruise ships to cut air emissions.

(b) AB 698 (Lieber)—Charges \$10 per gallon of perchlorethylene (perc) used by dry cleaners

(c) AB 720 (Matthews)—Specifies statewide policy on woodburning and voids local or air district rules

(d) AB 729 (Lieber)—Requires BAAQMD to impose refinery controls and grants BAAQMD indirect source authority

(e) AB 740 (Pavley)—Clean Air, Clean Water, and Coastal Protection Bond Act of 2004

(f) AB 788 (Chavez)—Delays ARB ability to regulate disinfectants

(g) AB 854 (Koretz)—Eliminate perc use in dry cleaning, and provides grants for less toxic alternatives

(h) AB 925 (Richman)—Extends and increases air district expedited powerplant permitting

(i) AB 998 (Lowenthal)—Establishes grant program for non-toxic alternatives to perc dry cleaning

(j) AB 1468 (Pavley)—Requires testing of negative air machines at asbestos abatement sites

- (k) AB 1500 (Diaz)—Establishes Petroleum Pollution Cleanup and Prevention Act with \$1 per barrel fee
 - (l) AB 1624 (Benoit)—Limits percentage of vehicles required to go to test-only smog check stations
 - (m) AB 1637 (La Suer)—Deletes ARB's administrative penalty authority
 - (n) SB 207 (Ackerman)—Removes district enforcement authority over vapor recovery equipment
 - (o) SB 656 (Sher)—Requires ARB and districts to reduce PM emissions
 - (p) SB 700 (Florez)—Eliminates exemption for agriculture from air quality regulation
 - (q) SB 702 (Florez)—Exempts medium-weight farm equipment from Moyer cost-effectiveness requirements
 - (r) SB 705 (Florez)—Eliminates agricultural burning and requires districts to develop alternative programs
 - (s) SB 706 (Florez)—Requires ARB to adopt hearth products clean-burning standards
 - (t) SB 708 (Florez)—Changes smog check exemption from 30-year old cars to 45-year old cars
 - (u) SB 825 (Torlakson)—Creates Pedestrian and Bicyclist Safety and Mobility Fund
 - (v) SB 916 (Perata)—Calls for election on \$1 bridge toll surcharge for transit
 - (w) SB 981 (Soto)—Establishes Petroleum Pollution Cleanup and Prevention Act with \$0.30 per barrel fee
- Staff will present recommended positions on these bills.

5. CONSIDERATION OF USE OF DISTRICT CONTRACT LOBBYIST **T. Addison/5109**
taddison@baaqmd.gov

Staff will discuss the current role of the District's contract lobbyist, and provide information about the details of this contract and alternatives to the current arrangement

6. COMMITTEE MEMBERS' COMMENTS

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)

7. TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR

8. ADJOURNMENT

**CONTACT CLERK OF THE BOARDS - 939 ELLIS STREET
SAN FRANCISCO, CA 94109**

**(415) 749-4965
FAX: (415) 928-8560
BAAQMD homepage:
www.baaqmd.gov**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities (notification to the Clerk's Office should be given in a timely manner, so that arrangements can be made accordingly).

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
June 5, 2002

Following adjournment of 9:30 a.m. Board Meeting

1. **Call to Order - Roll Call:** Chairperson Wagenknecht called the meeting to order at 12:05 p.m.

Present: Brad Wagenknecht, Chairperson, Chris Daly, Pam Torliatt.

Also Present: Randy Attaway (Ex-Officio Member), Mark Ross, Marland Townsend.

Absent: Roberta Cooper, Mark DeSaulnier, Liz Kniss, Nate Miley.

2. **Public Comment Period:** There were none.

3. **Approval of Minutes of April 3, 2002:** On motion of Mr. Attaway; seconded by Ms. Torliatt; carried unanimously by acclamation.

4. **Report from Joe Caves, Contract Lobbyist –** *Mr. Caves was to verbally report on California budgetary and political issues affecting the District this year.*

Mr. Caves was unable to attend the Legislative Committee meeting; therefore, this item was deferred to a later date.

5. **Consideration of New Legislation and Corresponding Agency Position:** Staff presented the following five bills with a recommendation of “Support” for each bill:

<i>Bill</i>	<i>Brief Description</i>	<i>Staff Recommendation</i>
<i>AB 1314 (Havice)</i>	<i>Creates standard fine for gasoline vehicles parking in electric vehicle charging stall</i>	<i>Support</i>
<i>AB 2332 (Keeley)</i>	<i>Establishes new indoor air quality program overseen by ARB</i>	<i>Support</i>

<i>AB 2677 (Nation)</i>	<i>Requires CEC to develop model local ordinances on preferential parking for clean vehicles</i>	<i>Support</i>
<i>AB 2774 (Pavley)</i>	<i>Establishes task force to promote clean vehicles</i>	<i>Support</i>
<i>SB 1636 (Figueroa)</i>	<i>Exempts development near transit from some congestion management plan requirements</i>	<i>Support</i>

Committee Action: Ms. Torliatt moved the Committee recommend the Board adopt the staff's recommendation of "Support" of the five bills presented; seconded by Mr. Attaway; carried unanimously by acclamation.

The Committee requested staff provide the information on the bills to the Metropolitan Transportation Commission (MTC). The Committee also requested that MTC's matrix of different agencies' positions on bills be included in the Committee packet.

6. Discussion or Comments by Committee Members on any Previously Agendized Legislation, or Bill Included on Attached "BAAQMD Bill Discussion List-March 2002"

The Committee discussed the Cardoza bill (AB 2637). Board Chairperson Attaway, along with Director DeSaulnier, plan to discuss the bill with Senator Burton. After the discussions, a report will be presented to the Legislative Committee.

7. Committee Members' Comments: There were none.

8. Time and Place of Next Meeting: The next meeting of the Legislative Committee will be at the Call of the Chair.

9. Adjournment: The meeting adjourned at 12:21 p.m.

Mary Romaidis
Clerk of the Boards

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**BAY AREA AIR QUALITY MANAGEMENT DISTRICT
939 ELLIS STREET
SAN FRANCISCO, CALIFORNIA 94109
(415) 771-6000**

DRAFT MINUTES

Summary of Board of Directors
Legislative Committee Meeting
October 16, 2002

Following adjournment of 9:30 a.m. Board Meeting

1. **Call to Order - Roll Call:** Chairperson Wagenknecht called the meeting to order at 11:17 a.m.

Present: Brad Wagenknecht, Chairperson, Pam Torliatt.

Also Present: Randy Attaway (Ex-Officio Member), Mark Ross, Marland Townsend.

Absent: Roberta Cooper, Chris Daly, Mark DeSaulnier, Liz Kniss, Nate Miley.
2. **Public Comment Period:** There were none.
3. **Approval of Minutes of June 5, 2002:** There being no quorum present, approval of the minutes was deferred to the next meeting.
4. **Summary of 2002 Legislation** – *Staff presented a summary of bills on which the District adopted positions, and how those bills fared this year.*

Tom Addison, Legislative Analyst, presented the report stating that the most important issue for the District this year was the State budget, from which one-third of the District's subvention funds were cut. Mr. Addison added that all of the property tax money the District receives was retained.

Director Torliatt discussed the Metropolitan Transportation Commission's (MTC) legislation matrix that indicates support or oppose positions by the Air District, MTC, Association of Bay Area Governments (ABAG), California State Association of Counties (CSAC), and the League of California Cities and requested staff provide this list to the Board of Directors. Director Torliatt stated it is important to see the positions of all five agencies on bills.

Committee Action: None, this report provided for information only.

5. **Discussion of AB 2637 (Cardoza) Provisions Regarding BAAQMD Board:** *Staff presented information on and answered questions about late amendments to AB 2637 (Cardoza's bill on the enhanced smog check program) that would allow the use of deputies by certain BAAQMD Board members. The Committee explored legislative proposals for 2003 addressing this topic.*

Mr. Addison provided background on the bill and stated it was a bill that the Air District did not have a position on, but was involved in. The amendments, which take effect on January 1, 2003, allow those counties on the Bay Area Air District Board with three representatives (currently San Francisco and Contra Costa counties) to have a deputy authorized to attend meetings. Mr. Addison reviewed options the Board could consider as follows: 1) the Air District could sponsor a bill next year to change the law so it applies only to San Francisco county. 2) Have the deputy meet certain criteria, such as be a resident of San Francisco; be an elected official; and have some relevant background, experience or expertise.

The Committee requested staff to research this as a potential bill to be sponsored by the Air District next year and to report back to the Committee. The Committee would then, after reviewing the report, make a recommendation to the full Board.

Committee Action: None, report provided for information only.

6. **Committee Members' Comments:** In response to a question from Director Torliatt, Ms. Garvey stated that about this time each year, Divisions are asked if they have any recommendations for bills that the Air District should sponsor. Once the information is compiled, it will be brought back to the Committee at its December meeting so that the Air District is ready to move forward in January if requested to do so by the Committee.
7. **Time and Place of Next Meeting:** At the Call of the Chair.
8. **Adjournment:** The meeting adjourned at 11:39 a.m.

Mary Romaidis
Clerk of the Boards

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 Inter Office Memorandum

To: Chairperson Brad Wagenknecht and
 Members of the Legislative Committee

From: Thomas Addison
 Advanced Projects Advisor

Date: April 1, 2003

Re: Discussion of New Bills

RECOMMENDED ACTION:

Recommend the Board adopt positions on the bills as proposed below.

BACKGROUND

Legislators responded to their February 21st bill introduction deadline by introducing over three thousand new bills. Of these, there are 23 that staff is initially presenting for the Committee’s consideration. Brief analyses of these bills are attached. The full text of each of these bills is being sent to Committee members electronically. Additionally, a full list of bills of significance to the Air District is attached after the bill analyses.

RECOMMENDED POSITIONS

Bill	Brief Description	Staff Recommendation
AB 471 (Simitian)	Requires cruise ships to cut air emissions	Support
AB 698 (Lieber)	Establishes “Perc” Cost Recovery Fund, and charges \$10 per gallon of perc used by dry cleaners	Support
AB 720 (Matthews)	Specifies statewide policy on woodburning and voids local or air district rules	Oppose
AB 729 (Lieber)	Requires BAAQMD to impose refinery controls and grants BAAQMD indirect source authority	Oppose unless amended
AB 740 (Pavley)	Clean Air, Clean Water, and Coastal Protection Bond Act of 2004	Support and seek amendments
AB 788 (Chavez)	Delays ARB ability to regulate disinfectants	Oppose
AB 854 (Koretz)	Eliminates perc use in dry cleaning and provides grants for less toxic alternatives	Support and seek amendments
AB 925 (Richman)	Extends and increases air district expedited powerplant permitting	Oppose

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AB 998 (Lowenthal)	Establishes grant program for non-toxic alternatives to perc dry cleaning	Support
AB 1468 (Pavley)	Requires testing of negative air machines at asbestos abatement sites	Support in concept
AB 1500 (Diaz)	Establishes Petroleum Pollution Cleanup and Prevention Act with \$1 per barrel petroleum fee	Support
AB 1624 (Benoit)	Limits percentage of vehicles required to go to test-only smog check stations	Oppose
AB 1637 (La Suer)	Deletes ARB's administrative penalty authority	Oppose
SB 207 (Ackerman)	Removes district enforcement authority over vapor recovery equipment	Oppose
SB 656 (Sher)	Requires ARB and districts to reduce PM emissions	Support
SB 700 (Florez)	Eliminates exemption for agriculture from air quality regulation	Support in concept
SB 702 (Florez)	Exempts medium-weight farm equipment from Moyer cost-effectiveness	Oppose
SB 705 (Florez)	Eliminates agricultural burning and requires districts to develop alternative programs	Support if amended
SB 706 (Florez)	Specifies statewide policy on woodburning, and voids local or air district rules	Oppose
SB 708 (Florez)	Partially removes current smog check exemption for vehicles more than 30 years old	Support
SB 825 (Torlakson)	Creates Pedestrian and Bicyclist Safety and Mobility Fund	Support
SB 916 (Perata)	Calls for election on \$1 bridge toll surcharge for transit	Support in concept
SB 981 (Soto)	Establishes Petroleum Pollution Cleanup and Prevention Act with \$0.30 per barrel fee	Support

BILL ANALYSES

AB 471 (Simitian). This bill as introduced was a spot bill sponsored by the environmental group Bluewater Network to cut emissions from cruise ships. At the time of this writing, the bill is being amended to eliminate incineration within 90 miles of shore, to require use of California low-sulfur diesel fuel within 25 miles of shore, and to require use of shoreside electrical power (rather than generating electricity via its engines) when in port. Staff recommends a "support" position, since diesel cruise ship emissions are increasing and could be controlled at reasonable cost with the provisions of the amended bill.

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AB 698 (Lieber). Perchloroethylene, or ‘perc’, is a chemical commonly used by dry cleaners. In addition to being a toxic air contaminant of concern to the District, it is a common contaminant of water supplies. This bill establishes a program to pay for cleanup of perc-contaminated water supplies, with funding coming from unspecified legislative appropriations, the federal government, gifts, grants, and other possible sources. The reason staff is recommending a “support” position is because the bill would impose a \$10 per gallon fee on perc sold in the state. Increasing the price of perc encourages dry cleaners to switch to other cleaner technologies like wet cleaning or CO₂-based cleaning.

AB 720 (Matthews). This bill is sponsored by the Hearth, Patio, and Barbeque Association. It is designed, in essence, to nullify tough local air district or city and county rules designed to reduce woodsmoke emissions, and replace them with a weaker statewide rule. In the Bay Area, it would invalidate local city and county ordinances, modeled on the District’s model woodsmoke ordinance, that have been adopted by multiple jurisdictions. Furthermore, it would invalidate the San Joaquin’s proposed woodsmoke rule, which the US EPA is requiring them to adopt. Thus it would cause Clean Air Act sanctions in the Central Valley. Most significantly, however, is that it would increase public exposure to woodsmoke particulate emissions over time. Thus staff is recommending an “oppose” position.

AB 729 (Lieber). The intention behind this bill was to give this District the same authorities that the SCAQMD currently has. It does not accomplish that objective. Staff believe the bill as drafted is unworkable and should not become law. Staff have discussed the bill with the Assemblymember and her staff, who are interested in working cooperatively to reduce emissions. Staff have suggested several authorities that the SCAQMD has that the BAAQMD does not, and expressed interest in working with the author to develop a bill that the District could support.

AB 740 (Pavley). This bill would establish the Clean Air, Clean Water, and Coastal Protection Bond Act of 2004. It would place a roughly \$3 billion dollar bond measure before the voters in March 2004. It would provide \$900 million for clean air programs, split as follows: \$200 million for Moyer; \$100 million for low emission schoolbuses; \$100 million for agricultural air emission cleanup; and \$500 million for fuel cell vehicle refueling infrastructure. Staff is recommending a “support and seek amendments” position on this very significant measure. Suggested amendments would provide clarity that local districts (rather than the ARB) are the implementing agencies for all programs except the fuel cell infrastructure, and those funds be reduced and the Moyer and schoolbus funds be increased.

AB 788 (Chavez). The makers of the disinfectant Lysol were successful several years ago in sponsoring legislation to prevent ARB from regulating the VOC (volatile organic compound) content of their product through the end of 2003. This bill would extend the regulatory freeze on disinfectants through 2006. Consumer products are an ever-increasing percentage of our VOC inventory, as a result of strict controls on emissions from stationary and mobile sources. ARB is already required to ensure that any of its consumer products regulations are commercially and technology feasible. Staff is recommending an “oppose” position on this special interest bill, because it prevents needed emission reductions from consumer products, and would extend the poor precedent of allowing certain products to be exempt from needed air quality regulation.

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AB 854 (Koretz). This bill would reduce emissions of perc by dry cleaners, and thus reduce public exposure to a toxic air contaminant. It would ban all use of perc by dry cleaners by 2014. Prior to that date, it establishes an incentive program to encourage cleaners to switch to non-toxic and less-toxic alternatives. The encouragement is financial, with cleaners eligible for grants of \$10,000 or \$5,000, depending on which technology they switch to. Funding for the grants would come from a \$3 fee per gallon of perc used. This bill would protect public health by reducing exposure to perc. Thus, staff is recommending a “support and seek amendments” position. Amendments sought include changing the ban date to 2020 (to match the SCAQMD date), increasing the per gallon fee, and changes to the specific technologies to be encouraged.

AB 925 (Richman). This bill would extend provisions of 2000 energy crisis legislation on powerplant permitting. It would require expedited powerplant environmental review by District staff and others, despite the fact that the threat of blackouts (and thus the need to bring new generation rapidly on-line) has ended. But even more significantly, it would allow dirtier simple-cycle plants that do not meet District emissions standards to be permitted and to operate indefinitely. Thus it would actually go beyond even the legislation that was in effect during the energy crisis. New powerplants are not being delayed or prevented by environmental or other regulation currently—rather the economic climate has discouraged speculative investments in future facilities. Thus staff feel this bill is a solution in search of a problem. Given that, and that it would increase emissions from electric generation, staff recommend an “oppose” position.

AB 998 (Lowenthal). This bill is very similar to AB 854 (Koretz), and would reduce public exposure to perc. Among its differences from AB 854 are that it does not propose a future ban on perc, and that the \$3 per gallon fee increases a dollar every year until 2013. Staff are suggesting a “support and seek amendments” position. One amendment sought would be to reduce the local match requirement of 50% for demonstrations of alternative cleaning technology. The second would be to the wording of the environmental justice language of the bill.

AB 1468 (Pavley). This bill addresses the asbestos abatement industry, over which the District has some oversight. “Negative air machines” are essentially large filters designed to prevent asbestos fibers escaping from contained asbestos abatement jobs. This bill would require that these machines are tested by independent companies prior to beginning each job, and would make the local air district responsible for certifying that the test had been performed. Staff believe that negative air machines need to work well to protect the public from asbestos exposure, and thus are recommending a “support and seek amendments” position. The amendments being sought would make the bill more practical given local air district rules on asbestos abatement already in place.

AB 1500 (Diaz and Pavley). This bill would establish a \$1 per barrel fee on crude petroleum, and is sponsored by the Sierra Club and Environment California. The funds on the portion of the barrel refined into non-diesel products would be spent for a variety of programs, including remediation of petroleum-related contamination of ground and surface waters, conservation, and public and alternative transportation. The remaining portion, from the petroleum refined into diesel, would fund the Moyer and low-emission schoolbus programs. Staff is recommending a “support” position because this bill would provide a long-term, stable source of funding for critical air quality programs.

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AB 1624 (Benoit). This bill would prohibit the Bureau of Automotive Repair from directing more than an as-yet unspecified percentage of vehicles to test-only smog check stations. Because this would weaken the effectiveness of the smog check program, staff are recommending an “oppose” position.

AB 1637 (La Suer). The ARB recently received the ability to issue administrative penalties for violations of the different regulations it enforces. It sought this authority because otherwise enforcement required taking all violators to court, including minor violators where it would be more productive of staff time to simply issue a ticket for the infraction. Although the ARB was just granted this authority by the Legislature, this measure would remove this needed enforcement tool. Because a better enforcement program means fewer violations and cleaner air, staff recommend an “oppose” position on this bill.

SB 207 (Ackerman). Controlling emissions from gasoline stations is one of the most cost-effective ozone and air toxics control strategies in California. Currently, gasoline station operators have an incentive to maintain their vapor recovery systems, and ensure they are working properly, since they are subject to citation by District inspectors when malfunctions are found. This bill would remove that incentive, and gas station emissions would increase significantly. The bill would prevent air district inspectors from issuing notices of violation for malfunctions, provided the owners fixed the violations within 21 days. The District opposed a very similar bill three years ago, and staff recommends an “oppose” position on this bill as well.

SB 656 (Sher). This bill would require the ARB and local districts to identify strategies to reduce particulate emissions from stationary, area, and diesel sources. It would require ARB and local districts to adopt implementation schedules for these strategies, and endeavor to reduce particulate emissions to the maximum extent feasible. To date, much of California’s air quality focus has been on reducing ozone concentrations. However, we know now that particulate is an even greater public health issue. This bill provides the statutory basis for beginning the critical but difficult task of addressing our particulate problems. Thus staff recommend a “support” position.

SB 700 (Florez and Sher). Agriculture has been exempted from air quality regulation in California for decades. The US EPA has ruled that this exemption is in contradiction to provisions of the federal Clean Air Act, and that the entire state is subject to sanctions unless state law is amended. Furthermore, agricultural emissions in parts of California are very substantial, with significant public health impacts. There are differing perspectives from different interest groups on whether the entire exemption should be eliminated (which is what this bill does), or whether only a more narrow portion of the exemption should be removed. Staff recommend a “support in concept” position.

SB 702 (Florez). The Moyer program provides funding to incentivize the cleanup of dirty diesel engines. This bill would exempt medium-weight farm equipment from the Moyer program’s cost-effectiveness requirements. Staff recommend an “oppose” position on the bill, for two reasons. First, it would mean that urban areas of the state, which have significant public exposure to diesel particulate exhaust, would receive less Moyer funding, while more agricultural regions would receive more Moyer funding. Second, it is bad policy from a public health perspective. When air quality funds are

AGENDA NO.: 4

limited, whether they are in a state or local program, they should be targeted towards the projects with the biggest benefit for each dollar spent.

SB 705 (Florez). California, especially in its agricultural areas, has regular, substantial burning of agricultural waste such as prunings from tree crops or of rice straw. This burning, despite being regulated by air officials, generates significant amounts of air pollution, especially particulate matter. This bill would ban the burning of agricultural waste in California in 2005. It would require local districts to develop and implement programs to assist growers get rid of their waste in an environmentally responsible manner. Staff are recommending a “support if amended” position. The amendments sought would ensure that local districts are not directly responsible for implementing programs such as composting the waste, or creating biomass facilities to dispose of it in.

SB 706 (Florez). This bill is identical to AB 720 (Matthews). The same arguments and analysis apply. Thus staff recommends an “oppose” position.

SB 708 (Florez). Current law provides that any vehicle that is more than 30 years old is exempt from the smog check program. Because older vehicles lack the emissions control equipment of modern cars, and because poorly maintained vehicles can have high emissions, this exemption significantly reduces the effectiveness of the smog check program. This bill attempts to improve air quality by a partial removal of the exemption for older vehicles. Specifically, the bill would require that starting in 2005, only vehicles older than 45 years are exempted from smog check. In the interim, only pre-1974 vehicles that are driven less than 12,000 miles per year are exempt. Staff recommends a “support” position.

SB 825 (Torlakson). This bill would create the Pedestrian and Bicyclist Mobility and Safety Fund, although the source and quantity of funds are not specified. The intention is that there be a surcharge on moving violations that would provide funding for projects to improve pedestrian and bicycle safety. Encouraging pedestrian and bicycle travel cuts motor vehicle emissions. The District supported a very similar bill authored by Senator Torlakson last year, and staff recommends a “support” position again this year.

SB 916 (Perata). This bill would, among its many provisions, provide for a special election in seven Bay Area counties on whether the toll on state toll bridges should be increased by \$1. If the voters approve the increase, the additional funds would provide for improved transit service. Because this bill would reduce automobile emissions, and encourage carpooling and public transit use, staff recommend a “support” position.

SB 981 (Soto). This bill shares some similarities to AB 1500, although it is sponsored by the SCAQMD rather than the Sierra Club. It would impose a \$0.30 per barrel fee on petroleum, and is titled the Children’s Health and Petroleum Pollution Remediation Act of 2003. 40% of the funds generated would go to the Moyer program, and 20% would go to the low-emission schoolbus program. The remaining 40% of the funding would go to local air districts to fund an intervention, treatment, and education program for sensitive populations suffering from exposure to petroleum-related air pollution. Staff recommends a “support” position on the bill.

BUDGET CONSIDERATION/FINANCIAL IMPACT

There is no budget or financial impact of this decision.

Respectfully submitted,

Thomas Addison
Advanced Projects Advisor

Reviewed by: _____

FORWARDED: _____

BAAQMD BILL DISCUSSION LIST – APRIL 2003

April 1, 2003

* Light type indicates a position is being recommended by Staff to the Legislative Committee. If a date appears after the recommendation, the Committee has taken action and approved Staff's recommendation. Bold type indicates an official position of the agency, and the date the Board of Directors adopted that position.

** Bill has been significantly amended since the District took its position.

BILL NO.	AUTHOR	SUBJECT	BAAQMD POSITION*	PRIORITY	STATUS	LAST VERSION	OTHER AGENCY POSITIONS
AB 114	Nakano	Allows hybrid vehicles in HOV lanes	Watch	Low	Asm. Transp.	1/14/03	
AB 126	Campbell	Requires public advertisements to list source of public funding in the ad	Watch	Low	Asm. Bus. & Professions	2/27/03	
AB 151	Vargas	Air emission mitigation fee on imported Mexican-generated electricity	Watch	Low	Asm. Utilities & Commerce	2/25/03	
AB 204	Nation	Transportation Fund for Clean Water	Watch	Low	Asm.Nat.Res	3/20/03	
AB 219	Reyes	San Joaquin Valley air quality improvements	Watch	Medium	Asm.Nat.Res	1/29/03	
AB 291	Aghazarian	Tax increase for environmental research, & findings on air quality	Watch	Low	Asm. Rev. & Tax	3/26/03	
AB 390	Montanez	Requires regular testing of diesel backup hospital generators	Watch	Low	Asm. Health	3/24/03	
AB 392	Montanez	Spot bill on environmental justice	Watch	Low	Asm. Rules	2/14/03	
AB 404	Garcia	Air emission mitigation fee on imported Mexican-generated electricity	Watch	Low	Asm. Utilities & Commerce	2/14/03	
AB 406	Jackson	CEQA lead agency requirements	Watch	Low	Asm.Nat.Res	2/14/03	
AB 469	Samuelian	Spot bill on air district permits	Watch	Low	Asm. Rules	2/14/03	
AB 471	Simitian	Reduces emissions from cruise ships	Support	Low	Asm. Rules	2/14/03	

AB 489	Oropeza	Spot bill on flared gas power production	Watch	Low	Asm. Rules	2/14/03	
AB 574	Yee	Lets San Francisco impose a registration fee surcharge for local roads	Watch	Low	Asm. Local Govt.	2/18/03	
AB 594	Leno	Exempts certain bike lanes from CEQA	Watch	Low	Asm.Nat.Res	3/24/03	
AB 698	Lieber	\$10 per gallon perc fee	Support	Low	Asm. Env. Safety	2/19/03	
AB 720	Matthews	Requires ARB to adopt hearth products clean-burning standards	Oppose	Medium	Asm.Nat.Res	2/19/03	
AB 729	Lieber	Authorizes BAAQMD to adopt indirect source rules, and requires refinery fugitive and flare regulations	Oppose unless amended	High	Asm.Nat.Res	2/19/03	
AB 740	Pavley	Clean Air, Clean Water, & Coastal Protection Bond Act of 2004	Support & seek amendments	High	Asm.Nat.Res	2/19/03	
AB 788	Chavez	Delays ARB's ability to regulate disinfectants	Oppose	Low	Asm.Nat.Res	2/20/03	
AB 829	Salinas	Spot bill on Bay Area regional govt.	Watch	Low	Asm. Rules	2/20/03	ABAG: Support
AB 854	Koretz	Eliminates use of perc in dry cleaning, & establishes grant program to accelerate use of non-toxic alternatives	Support & seek amendments	Medium	Asm. Env. Safety	2/20/03	
AB 875	Wyland	Requires existing gas tax to be spent only on freeway construction	Watch	Low	Asm. Transp.	2/20/03	League: Oppose
AB 901	Jackson	Spot bill on state fleet	Watch	Low	Asm. Rules	2/20/03	
AB 925	Richman	Extends & increases air district expedited powerplant permitting	Oppose	Medium	Asm.Nat.Res	2/20/03	
AB 927	Campbell	Requires ARB to develop guidelines for hydrogen fuel cell refueling stations	Watch	Low	Asm. Transp.	2/20/03	
AB 998	Lowenthal	Establishes grant program to accelerate use of non-toxic alternatives to perc in dry cleaning	Support & seek amendments	Medium	Asm. Env. Safety	3/25/03	
AB 1063	Firebaugh	Engine retrofit program in SCAQMD	Watch	Low	Asm. Transp.	2/20/03	

AB 1090	Longville	Changes requirement for SCAQMD Board membership	Watch	Low	Asm.Nat.Res	2/20/03	
AB 1214	Firebaugh	Net energy metering for fuel cells	Watch	Low	Asm. Utilities	2/21/03	
AB 1284	Leslie	Changes PUC treatment of distributed energy resources	Watch	Low	Asm. Utilities	2/21/03	
AB 1279	S.Horton	Allows SOVs into HOV lanes	Oppose	Low	Asm. Transp.	2/21/03	
AB 1316	Parra	Implements Enhanced Smog Check program in coastal areas	Watch	Low	Asm. Transp.	2/21/03	
AB 1317	Parra	Extends Agricultural Biomass-to-Energy Incentive Grant Program	Watch	Low	Asm.Nat.Res	2/21/03	
AB 1394	Levine & Montanez	Extends ARB Carl Moyer Program reports to Legislature	Watch	Low	Asm. Env. Safety	2/21/03	
AB 1468	Pavley	Requires testing of negative air machines at asbestos abatement sites	Support in concept	Medium	Asm.Nat.Res	2/21/03	
AB 1500	Diaz & Pavley	Petroleum Pollution Cleanup & Prevention Act; \$1 per barrel fee	Support	High	Asm. Env. Safety	2/21/03	
AB 1546	Simitian	Allows San Mateo County to impose a \$4 vehicle fee for congestion and storm water management	Watch	Low	Asm. Local Government	2/21/03	
AB 1624	Benoit	Limits percentage of vehicles required to go to test-only smog check stations	Oppose	Medium	Asm. Rules	2/24/03	
AB 1630	Maddox	Spot bill on distributed energy resources	Watch	Low	Asm. Rules	2/21/03	
AB 1637	La Suer	Deletes ARB's administrative penalty authority	Oppose	Low	Asm.Nat.Res	2/21/03	
AB 1656	Bermudez	Spot bill on transit village development	Watch	Low	Asm. Rules	2/21/03	
AB 1685	Leno	Incentivizes solar electric generation	Watch	Low	Asm. Utilities	2/21/03	
AB 1696	Pavley	Requires county-specific asthma reports	Watch	Low	Asm. Health	2/21/03	
SB 170	Torlakson	Bay Area Infrastructure Planning	Watch	High	Sen. Rules	2/12/03	
SB 207	Ackerman	Removes district enforcement authority over vapor recovery equipment	Oppose	Medium	Sen. Env. Quality	2/13/03	

SB 234	Oller	Allows disabled placard vehicles into HOV lanes	Watch	Low	Sen. Transp.	2/14/03	
SB 288	Sher	Deletes old ARB study mandate	Watch	Low	Sen. Env. Quality	2/19/03	
SB 352	Escutia	Implements measures to protect school children from air pollution	Watch	Low	Sen. Education	3/24/03	
SB 367	Sher	Allows bike racks on longer buses	Watch	Low	Sen. Transp.	2/19/03	MTC: Support
SB 380	McClintock	Requires Caltrans to evaluate HOV lanes and consider HOT lane creation	Watch	Low	Sen. Transp.	2/19/03	
SB 444	Vasconcellos	Encourages California to cut greenhouse gas emissions	Watch	Low	Sen. Rules	2/20/03	
SB 480	Kuehl	Deletes archaic SCAQMD Board language	Watch	Low	Sen. Rules	2/20/03	
SB 502	Florez	Establishes dairy farm incentives to cut air and water pollution	Watch	Low	Sen. Rules	2/20/03	
SB 532	Romero	Redefines cumulative impacts, and establishes environmental justice as guiding criterion under CEQA	Watch	Medium	Sen. Env. Quality	3/24/03	
SB 541	Torlakson	Allows state gas tax to increase with inflation	Watch	Low	Sen. Transp.	2/20/03	
SB 571	Alarcon	Creates Environmental Education Fund	Watch	Low	Sen. Judiciary	3/24/03	
SB 656	Sher	Requires ARB and districts to reduce PM emissions from diesel, stationary, and area sources	Support	High	Sen. Env. Quality	2/21/03	
SB 700	Florez & Sher	Eliminates agricultural exemption, and requires districts to regulate ag. sources	Support in concept	High	Sen. Env. Quality	2/21/03	
SB 701	Florez	Provides tax credits for diesel agricultural pump cleanup	Watch	Low	Sen. Rev. & Tax	2/21/03	
SB 702	Florez	Exempts medium-weight farm equipment from Moyer cost-effectiveness requirement	Oppose	Low	Sen. Env. Quality	2/21/03	

SB 703	Florez	Cuts utility charges for electric agricultural pumps	Watch	Low	Sen. Energy, Utilities	2/21/03	
SB 704	Florez	Requires SJVUAPCD to oversee agricultural waste amounts in biomass	Watch	Low	Sen. Env. Quality	2/21/03	
SB 705	Florez	Eliminates ag. burning, & requires districts to develop alternative programs	Support if amended	Medium	Sen. Env. Quality	2/21/03	
SB 706	Florez	Specifies statewide policy on woodburning and voids local rules	Oppose	Medium	Sen. Env. Quality	2/21/03	
SB 707	Florez	Requires buffer zones around dairies/feedlots and urban areas	Watch	Low	Sen. Agriculture	2/21/03	
SB 708	Florez	Changes smog check exemption for 30-year old vehicles to 45 years	Support & seek amendments	Medium	Sen. Transp.	2/21/03	
SB 709	Florez	Adds 3 members to SJVUAPCD Board	Watch	Low	Sen. Local Govt	2/21/03	
SB 807	Denham	Spot bill on emission reduction credits	Watch	Low	Sen. Rules	2/21/03	
SB 825	Torlakson	Creates Pedestrian & Bicyclist Safety and Mobility Fund	Support	Low	Sen. Transp.	2/21/03	
SB 871	Burton	Creates minor violation for gasoline cargo tanks	Watch	Medium	Sen. Env. Quality	2/21/03	
SB 916	Perata	Calls for election on whether to impose a \$1 bridge toll surcharge for transit	Support in concept	Low	Sen. Transp.	2/21/03	
SB 954	Murray	Spot bill on asbestos work	Watch	Low	Sen. Rules	2/21/03	
SB 981	Soto	Petroleum Pollution Prevention & Cleanup Act; \$0.30 per barrel fee	Support	High	Sen. Env. Quality	2/21/03	
SB 998	Bowen	Infrastructure bond act with \$50M in Moyer funding	Watch	Medium	Sen. Gov. Organization	2/21/03	
SB 999	Machado	Adds 4 members to SJVUAPCD Board	Watch	Low	Sen. Local Govt.	2/21/03	
SB 1015	Morrow	Changes distributed energy generation law	Watch	Low	Sen. Energy, Utilities	2/21/03	

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Inter Office Memorandum

To: Chairperson Brad Wagenknecht and
Members of the Legislative Committee

From: Thomas Addison
Advanced Projects Advisor

Date: April 1, 2003

Re: Discussion of the Current Role of District's Contract Lobbyist

RECOMMENDED ACTION:

Recommend the Board terminate the current contract and authorize expenditure of funds to hire an outside lobbyist on an as-needed basis throughout the year.

BACKGROUND

Since 1996, the District has contracted with Joseph Caves and Associates (JCA) for legislative advocacy services in Sacramento. JCA has been employed under a month-to-month contract for a monthly fee of \$2,150, which is equivalent to \$25,800 per year. JCA was also the contract lobbyist for the California Air Pollution Control Officers Association from roughly 1992 until 2002. Since 1998, the District has significantly increased the legislative advocacy done by District staff, and simultaneously the advocacy done by our contract lobbyist has decreased substantially.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The fiscal impact will depend on the need, and thus the level of use of outside lobbyists. Staff estimate that this change will create an annual savings to the District of between \$5,000 and \$15,000 per year.

Respectfully submitted,

Thomas Addison
Advanced Projects Advisor

Reviewed by: _____

FORWARDED: _____