SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

LEGISLATIVE REPORT

FROM HOME RULE ADVISORY GROUP
MEETING OF MARCH 21, 2007

HRAG members present:
Greg Adams, L.A. County Sanitation Districts
Elaine Chang, District staff
Curtis Coleman, Southern California Air Quality Alliance
Sheryll Del Rosario, SCAG
Mary Drury, Supervisor Wilson's appointee
Kitty Howard, CARB
Jayne Joy, Eastern Municipal Water District
Bill LaMarr, California Small Business Alliance
Lee Wallace, So Cal Gas and SDG&E
Supervisor Roy Wilson, Board member and HRAG Chair

Dr. Anupom Ganguli presented the legislative update to the Home Rule Advisory Group (HRAG) at the meeting on March 21, 2007. He explained that a plethora of bills on global warming have been introduced at the federal level, and the bills at the state level are focused on bond implementation as well as on global warming. He offered to answer questions on the bills listed in Attachment 1 (bills are listed below), Attachment 2-Legislative Bills of Interest, and Attachment 3-Federal Bills of Interest.

- Assembly Bill 218 (Saldana): Vehicles: Fees
- Assembly Bill 255 (De Leon): Air Pollution: Clean Air and Energy Independence Fund: Smog Abatement Fee
- Assembly Bill 616 (Jones): Smog Check: Annual Inspection
- Assembly Bill 723 (DeVore): California Environmental Quality Act
- Assembly Bill 934 (Duvall): State Air Resources Board: Air Districts: Mobile Non-vehicular Regulations
- Senate Bill 587 (Runner): Air Quality: Permit Requirement: Exemptions
- Senate Bill 974 (Lowenthal): Ports: Congestion Relief: Environmental Mitigation: Regulatory Fee

Discussion
Lee Wallace asked about the status of SB 974 (Lowenthal): Ports: Congestion Relief: Environmental Mitigation. He asked if the current version differs from last year's version. Dr. Ganguli responded that the bill was modified and reintroduced from last year, and that the previous bill had one-third of the money being allocated to air quality, one-third to transportation, and one-third to security. Dr. Ganguli explained that the current bill focuses on ports improvement, and the money is to be split equally between transportation and air quality. He added that, as currently written, committees formed under the legislature will oversee the expenditure of funds. He explained that there will

be certain limitations on how the money will be spent, and there will be money specifically allocated to Southern California and to Northern California. He added that District staff considers the revised bill to be an improvement over last year's version. However, staff has recommended that the committee be a four-member committee comprised of representatives from the state, the ports, and the local air district. Dr. Ganguli explained that the bill will only affect the ports of Oakland, Long Beach, and Los Angeles and added that the ports are supportive of the bill at this point.

Bill LaMarr commented that through the bill, Senator Lowenthal will ensure that the people of Long Beach will reap some benefits to help balance out any ill effects resulting from port expansion and port activity.

Sheryll del Rosario asked whether AB 723 (CEQA Holiday) involves construction of all affordable housing and urban infill project exemptions. Dr. Ganguli responded that the bill will provide a five-year exemption for the construction of mainly housing projects in certain categories, and District staff is opposed to this because it may interfere with the CEQA review process.

Procedures for Communicating to the Legislative Committee

Greg Adams explained that, at previous meetings, the HRAG had expressed concern with whether their comments on legislation were ever formally communicated to the Legislative Committee for their consideration. Curt Coleman noted that the HRAG's charter involves looking at potential areas of conflict or overlap among the different levels of government. He added that many of the HRAG members expressed their belief that providing input or analysis on certain legislation would fall within the purview of the charter, and their viewpoints may be helpful to the Legislative Committee when forming positions on legislation. Supervisor Wilson proposed that a brief report, which is extracted from the draft minutes of the HRAG meeting, be submitted to the Legislative Committee as an attachment for the committee's consideration, pending approval of the Legislative Committee Chair, Board Member Jane Carney. Dr. Ganguli offered to check with Board Member Carney for approval and added that staff supports this recommendation. Supervisor Wilson emphasized that the draft report should be expedited, if Board Member Carney approves the proposal, and added that the report can be corrected later, if necessary.

OTHER BUSINESS

Greg Adams suggested that the HRAG review the proposals for the Fair Share Initiative to provide input and possible support in collaboration with business and industry groups.

Mr. LaMarr asked for the committee's position on SB587 (Runner). Supervisor Wilson thought that the Legislative Committee had taken a position of oppose. Dr. Ganguli confirmed this and added that the position can be found in the bill analysis which is included in Attachment 1 of the Legislative Update.

PUBLIC COMMENT PERIOD

John Billheimer (Enviro Reality) provided the following testimony on Senate Bill 587 (Runner): Air Quality: Permit Requirement: Exemptions:

"With respect to the Runner bill, I mentioned in the Legislator (Legislative Committee) that I am concerned about the principle of putting detailed rule content type procedure in the state code. There is much merit in the work that has been done on the present District rule, and I think that the sponsors of that legislation are concerned that the District may take and do something different. So it appears that they want to freeze the state of the art with a concentration toward their particular options in the matter. I am not engaging in the technical position. But I feel very strongly that the state code should not go into detail, except maybe where it is necessary for a test procedure to be adopted. The procedure brought up by this bill probably ought to go to CAPCOA first because it is based upon—one of their arguments is that all of districts should be the same, and the way to make all the districts the same is to freeze what is the present content of coatings rule at South Coast to be effective for the entire state. Again, I don't think that is the proper place to do that. CAPCOA has the mechanism to judge whether all the other districts or the majority of the other districts need that detailed procedure locked in the state code in order to implement it. So I very strongly join in the oppose (position)."

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