

BOARD MEETING DATE: May 1, 2015

AGENDA NO. 26

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on April 23, 2015, in Sacramento. The following is a summary of this meeting.

RECOMMENDED ACTION:

Receive and File.

Judith Mitchell, Member  
SCAQMD Governing Board

sm

---

The Air Resources Board's (ARB or Board) April meeting was held on April 23 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

---

Discussion Items

---

### **1. Fifth Annual Report from the Office of the Ombudsman**

The Board heard a presentation by the Ombudsman on enhancements to the Ombudsman's office that have occurred during the last five years and the office's focus going forward. The Ombudsman is responsible for connecting with California small business owners and related stakeholders and engaging them on ARB policies and regulations. The Ombudsman's office has improved compliance assistance and outreach for major ARB programs including Refrigeration Management and Truck and Bus, and has established the Small Business Opportunities Advisory Panel which will be a large part of activities in the future.

## **2. Public Hearing to Consider Amendments to Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities: Aboveground Storage Tanks and Enhanced Conventional Nozzles**

The Board adopted amendments to the gasoline vapor recovery regulations. These amendments will establish new performance standards and specifications for nozzles used at fleet facilities that exclusively refuel vehicles equipped with onboard vapor recovery systems, provide regulatory relief for owners of certain existing aboveground storage tanks, and ensure that mass-produced vapor recovery equipment matches the specifications of equipment evaluated during the Air Resources Board certification process.

## **3. Update to the Board on Vehicle Emissions Research**

The Board heard an overview of recent and ongoing extramural and in-house research studies to reduce emissions from vehicles. Staff described studies focused on both the light- and heavy-duty sectors to evaluate emissions of current fleets and to help guide the transition to zero- and near-zero emission technologies. Studies using remote sensing, roadside measurements, and Portable Emissions Measurement Systems have demonstrated a 99 percent reduction in light-duty emission rates over 20 years. For heavy-duty trucks, the effects of programs including the Drayage and Truck and Bus rules have been seen in studies showing a 70 percent reduction in black carbon emission rates over just 2 years.

## **4. Update to the Board on Sustainable Freight Strategy**

The Board heard a briefing by staff on the discussion draft of the report *Sustainable Freight: Pathways to Zero and Near-Zero Emissions*. The staff presentation highlighted the strides California has already made in reducing emissions of NO<sub>x</sub>, SO<sub>x</sub>, and PM from freight sources. Staff also outlined immediate actions, near-term action, and a vision for the future on a path to zero and near-zero emissions. In addition to increased efficiency throughout the freight transportation system, the report looks towards complete transition to zero- and near-zero emission technology and renewable fuels with the goal of a sustainable freight system that supports environmental, energy, transportation, and economic objectives. The Board approved a resolution that directed staff to continue to engage stakeholders, evaluate and develop potential measures and other policy approaches, and coordinate with the local air districts during the 2016 State Implementation plan (SIP) development process on freight-related measure for the SIP. Lastly, the Board directed staff to work with the State's transportation, economic, and energy agencies on a broad Sustainable Freight Strategy.

**SCAQMD Staff Comments/Testimony:** Staff indicated that the Sustainable Freight Strategy is a critical component in the development of the next round of mobile source

control strategies to meet federal air quality standards for the South Coast Air Basin. While the CARB staff has done a good job in preparing the discussion draft for public input and providing actions in the immediate and near-term timeframe, the proposed actions are not sufficient for the South Coast Air Basin to attain the ozone air quality standards in 2022 and 2023. The actions can be more aggressive in terms of schedule and level of emissions reduction. The SCAQMD staff is working closely with CARB staff on the development of the 2016 SIP for the South Coast Air Basin. Actions identified in the SIP process should be incorporated into the Sustainable Freight Strategy. As such, staff requested that the adoption resolution include language explicitly stating that actions developed through the SIP process be included in the Sustainable Freight Strategy. CARB Boardmember Mitchell introduced specific language for the adopting resolution stating that as part of the development of the Sustainable Freight Strategy that actions developed as part of the SIP Process be considered for inclusion into the Sustainable Freight Strategy. The CARB Board approved adding the proposed language into the adoption resolution.

**Attachment**

CARB April 23, 2015 Meeting Agenda

**LOCATION:**

Air Resources Board  
Byron Sher Auditorium, Second Floor  
1001 I Street  
Sacramento, California 95814  
<http://www.calepa.ca.gov/EPAbldg/location.htm>

**PUBLIC MEETING AGENDA**

**April 23, 2015**

**[Webcast](#)**

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website: <http://www.sacrt.com>  
(This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO: <http://www.arb.ca.gov/lispub/comm/bclist.php>**

**Thursday  
April 23, 2015  
9:00 a.m.**

**DISCUSSION ITEMS:**

**Note:** The following agenda items may be heard in a different order at the Board meeting.

**Agenda Item #**

**15-3-1: Fifth Annual Report from the Office of the Ombudsman 2014**

*Staff will present to the Board a report on the enhancements to the Air Resources Board's (ARB) Ombudsman's Office that have occurred during the last five years and provide a look at the focus areas going forward. The Ombudsman has shaped the office into a more collaborative and proactive force for connecting with California small business owners and related stakeholders and engaging them on ARB policies and regulations.*

[More Information](#)

[Staff Presentation](#)

**15-3-2: Public Hearing to Consider Amendments to Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities: Aboveground Storage Tanks and Enhanced Conventional Nozzles**

*Staff will present to the Board proposed amendments to the gasoline vapor recovery regulations. These amendments would establish new performance standards and specifications for nozzles used at fleet facilities that exclusively refuel vehicles equipped with onboard vapor recovery systems, would provide regulatory relief for owners of certain existing aboveground storage tanks, and would ensure that mass-produced vapor recovery equipment matches the specifications of equipment evaluated during the Air Resources Board certification process.*

[More Information](#)

[Staff Presentation](#)

**15-3-3: Update to the Board on Vehicle Emissions Research**

*Staff will present to the Board an overview of recent and ongoing extramural and in-house emission research studies. Staff will describe studies and recent results and the implications to ARB programs.*

[More Information](#)

[Staff Presentation](#)

**15-3-4: Update to the Board on Sustainable Freight Strategy**

Staff will present to the Board an update on the development of the California Sustainable Freight Strategy, including potential integration with other State freight planning efforts. This update will focus on a discussion document released before the meeting that describes actions staff is considering to reduce emissions from California's freight system and move toward zero or near-zero emissions.

[More Information](#)

[Staff Presentation](#)

**CLOSED SESSION**

The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding the following pending or potential litigation, and as authorized by Government Code section 11126(a):

*POET, LLC, et al. v. Corey, et al.*, Superior Court of California (Fresno County), Case No. 09CECG04850; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394. [remanded to trial court].

*Rocky Mountain Farmers Union, et al. v. Corey*, U.S. District Court (E.D. Cal. Fresno), Case No. 1:09-CV-02234-LJO-DLB; ARB interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 09-CV-02234 [remanded to trial court].

*American Fuels and Petrochemical Manufacturing Associations, et al. v. Corey, et al.*, U.S. District Court (E.D. Cal. Fresno), Case No. 1:10-CV-00163-AWI-GSA; ARB's interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 10-CV-00163 [remanded to trial court].

*California Dump Truck Owners Association v. Nichols*, U.S. District Court (E.D. Cal. Sacramento), Case No. 2:11-CV-00384-MCE-GGH; plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 13-15175.

*Engine Manufacturers Association v. California Air Resources Board*, Sacramento Superior Court, Case No. 34-2010-00082774; ARB's appeal, California Court of Appeal, Third District, Case No. C071891. EMA Petition for Review, California Supreme Court, Case No. S223544.

*Truck and Engine Manufacturers Association v. California Air Resources Board*, Sacramento Superior Court, Case No. 34-2013-00150733.

*Alliance of Automobile Manufacturers v. California Air Resources Board*; Sacramento Superior Court, Case No. 34-2013-00152974.

*Citizens Climate Lobby and Our Children's Earth Foundation v. California Air Resources Board*, San Francisco Superior Court, Case No. CGC-12-519554, plaintiffs' appeal, California Court of Appeal, First District, Case No. A138830.

*California Chamber of Commerce et al. v. California Air Resources Board*, Sacramento Superior Court, Case No. 34-2012-80001313; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075930.

*Morning Star Packing Company, et al. v. California Air Resources Board, et al.*, Sacramento Superior Court, Case No. 34-2013-800001464; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075954.

*Delta Construction Company, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 11-1428.*

*Alliance for California Business v. Nichols et al., Glenn County Superior Court, Case No. 13CV01232.*

*Dalton Trucking, Inc. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283.*

*Owner-Operator Independent Drivers Association Inc. et al. v. Richard W. Corey et al., U.S. District Court, (E.D. Cal. Fresno) Case No. 1:13-CV-01998-LJO-SAB (transferred by court to E.D.Cal. Sacramento, Case No. 2:14-CV-00186-MCE-AC).*

*John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494.*

*Transportation Solutions Defense and Education Fund v. California Air Resources Board, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff's transfer to Sacramento Superior).*

*California Nozzle Specialists, Inc. v. California Air Resources Board, Los Angeles County Superior Court, Case No. BC564965.*

*California Air Resources Board v. BP West Coast Products LLC, Contra Costa County Superior Court, Case No. C12-00567.*

#### **OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST**

*Board members may identify matters they would like to have noticed for consideration at future meetings and comment on topics of interest; no formal action on these topics will be taken without further notice.*

#### **OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD**

*Although no formal Board action may be taken, the Board is allowing an opportunity to interested members of the public to address the Board on items of interest that are within the Board's jurisdiction, but that do not specifically appear on the agenda. Each person will be allowed a maximum of three minutes to ensure that everyone has a chance to speak.*

#### **TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

(Note: not all agenda items are available for electronic submittals of written comments.)

#### **IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD:**

1001 I Street, 23<sup>rd</sup> Floor, Sacramento, California 95814

(916) 322-5594

ARB Homepage: [www.arb.ca.gov](http://www.arb.ca.gov)

### **SPECIAL ACCOMMODATION REQUEST**

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 7 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 7 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.