

BOARD MEETING DATE: May 6, 2016

AGENDA NO. 25

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on April 22, 2016, in Sacramento, CA. The following is a summary of this meeting.

RECOMMENDED ACTION:  
Receive and File.

Judith Mitchell, Member  
SCAQMD Governing Board

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The Air Resources Board's (ARB or Board) April meeting was held on April 22, 2016 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

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#### Discussion Items

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### **1. Public Hearing to Consider Proposed California Evaluation Procedure for New Aftermarket Diesel Particulate Filters**

The Board approved an amendment to California's regulation regarding aftermarket parts (California Code of Regulations, title 13, section 2222) that incorporates New Aftermarket Diesel Particulate Filters (DPF). This amendment establishes a procedure for the Air Resources Board to evaluate aftermarket DPFs for 2007 through 2009 model year on-road heavy-duty diesel engines to ensure they meet all applicable criteria. The amendment includes requirements for the retrofit manufacturers and installers. The Board verified that the top priority of these amendments is to benefit the end-user.

## **2. Public Hearing to Consider Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant**

The Board approved amendments to the Regulation for Small Containers of Automotive Refrigerant. The amendment adds details to an existing requirement that retailers must transfer unclaimed consumer deposits to the manufacturers and how the manufacturers must spend the money. The amendment also sets the refundable consumer deposit at \$10, and requires additional language on the container label. Regulating these refrigerant cans is critical since the refrigerant has a Green House Gas (GHG) potential well above carbon dioxide.

### **Attachment**

CARB April 22, 2016 Meeting Agenda

## PUBLIC MEETING AGENDA

**April 22, 2016  
(Friday)**

[Webcast](#)

### LOCATION:

California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium, 2<sup>nd</sup> Floor  
1001 I Street  
Sacramento, California 95812

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:

<http://www.sacr.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>**

**Friday  
April 22, 2016  
9:00 a.m.**

### DISCUSSION ITEMS:

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

#### Agenda Item #

- 16-4-2: Public Hearing to Consider Proposed California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines**

*The Board will consider approving for adoption proposed amendments to California's regulation regarding aftermarket parts (California Code of Regulations, title 13, section 2222) and the proposed incorporated document "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters (DPF) Intended as Modified Parts for 2007 Through 2009 Model Year On-Road Heavy-Duty Diesel Engines." This proposal establishes a procedure for the Air Resources Board to evaluate aftermarket DPFs for 2007 through 2009 model year on-road heavy-duty diesel engines to ensure they meet all applicable criteria.*

[More Information](#)

[Staff Presentation](#)

- 16-4-3: Public Hearing to Consider Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant**

*The Board will consider approving for adoption proposed amendments to the Regulation for Small Containers of Automotive Refrigerant to clarify an existing requirement that retailers must transfer the unclaimed consumer deposits to the manufacturers, clarify how the manufacturers spend the money, set the refundable consumer deposit at \$10, and require additional language on the container label.*

[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. California Air Resources Board, et al.*, Superior Court of California (Fresno County), Case No. 15CECG03380.

*American Fuels and Petrochemical Manufacturers, et al. v. Jane O'Keeffe, et al.*, U.S. District Court (D. Ore. Portland), Case No. 3:15-CV-00467; Plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 15-35834.

*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 Manufacturers, 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 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.

*Kimberly-Clark Worldwide, Inc. v. California Air Resources Board, et al.*, Sacramento County Superior Court, Case No. 34-2015-80002246.

*Sowinski v. California Air Resources Board, et al.*, Orange County Superior Court, Case No. 30-2015-00822179-CU-BT-CXCCX-105.

*State of West Virginia et al. v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1363.

*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.

*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 (dismissed), U.S. Court of Appeals, Ninth Circuit, Case No. 13-74019.

*Owner-Operator Independent Drivers Association Inc. et al. v. 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), plaintiffs' appeal U.S. Court of Appeals, Ninth Circuit, Case Nos. 15-72101 and 15-16429.

*Jack Cody dba Cody Transport v. California Air Resources Board, et al.*, Sacramento Superior Court, Case No. 34-2015-80002116.

*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 Court, Case No. 34-2014-80001974-CU-WM-GDS).

*Meeks v. California Air Resources Board, et al.* Los Angeles County Superior Court, Case No. BC592558.

*Adam Brothers Trucking v. Air Resources Board, et al.*, Santa Barbara County Superior Court, Case No. 15 CV04432

*In re: Volkswagen "Clean Diesel" MDL*, United States District Court, Northern District of California, Case No. 15-MD-2672-CRB (JSC).

*American Coating Association, Inc. v. State of California and California Air Resources Board*, Sacramento County Superior Court, Case No. 04CS01707.

*People v. Southern California Gas Company*, Los Angeles Superior Court, Case No. BC 602973.

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

*California Air Resources Board v. West Coast Diesel, Inc.*, Fresno County Superior Court, Case No. 15 CECG 03337.

#### **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.