

BOARD MEETING DATE: March 4, 2016

AGENDA NO. 36

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on February 18, 2016, in Sacramento. 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) February meeting was held on February 18, 2016 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

Introduction of new Board Members

AB 1288 requires two additional members representing disadvantaged communities to be appointed to the state Air Resources Board. These members will be appointed by the Senate Committee on Rules and the Speaker of the Assembly.

Diane Takvorian, executive director and co-founder of the Environmental Health Coalition was appointed by Assembly Speaker Toni G. Atkins, and former Senator Dean Florez was appointed by Senate President pro Tempore Kevin de León, Chair of the Senate Rules Committee. Both new Board members were in attendance at the February Board meeting.

1. Public Meeting to Hear an Update on the Aliso Canyon Methane Leak

The Board heard an informational update on the Aliso Canyon methane leak. The leak was declared permanently sealed on February 18, 2016, by the Division of Oil, Gas & Geothermal Resources. ARB has been working closely with the South Coast Air Quality Management District efforts to measure pollutants levels in the surrounding communities due to the leak. Those measurements are publically available on both agencies' websites. The Board also heard from staff a summary of the efforts to develop a program to mitigate the global warming consequences of the Aliso Canyon methane leak. The Governor's January 6, 2016 Aliso Canyon Emergency Proclamation directs ARB to produce a mitigation program by March 31, 2016. A draft of the program will be posted the week of March 7, 2016 for public comment.

SCAQMD Staff Comments/Testimony: Executive Officer Barry Wallerstein testified on the agenda item concerning the Aliso Canyon methane leak. Dr. Wallerstein provided copies of the January 21, 2016 letter and Governing Board Resolution dated January 8, 2016, requesting the Air Resources Board to develop a program to mitigate the greenhouse gas effects of the Southern California Gas methane leak affecting the Porter Ranch community and requesting that such funds be dedicated, to the maximum extent feasible, to mitigation projects for the benefit of Porter Ranch, the Southern California community directly impacted by air emissions due to the gas leak; and, if projects are not feasible in Porter Ranch, the funds be dedicated to projects in Southern California. He also noted best science regarding the global warming potential of methane gas should be used relative to determining the funding amount for full mitigation of the gas released from the leak at Well SS-25. In addition, he noted that local air quality co-benefits should receive high priority in mitigation project selection.

2. Report from the Office of the Ombudsman 2015

The Board heard a report on the Office of the Ombudsman's engagement with small business and other stakeholders in 2015. This interaction ensures that perspectives from all concerned stakeholders are integrated into ARB's policies, regulatory processes, and procedures. Ombudsman Bowen described the Small Business Opportunities Advisory Panel that represents a cross-section of regulated industries. Two of the three Panel co-chairs, Mr. Alan Abbs, Executive Director of the California Air Pollution Control Officers Association and Mr. Richard McCaskill, President and CEO of a small recycling business in San Diego discussed their experience with the Panel. The presentation also described objectives in 2016 to further foster collaboration between businesses, air districts, and ARB.

3. Public Hearing to Consider Amendments to the Portable Fuel Container Regulation

The Board approved amendments to the portable fuel container (PFC) regulation. The regulation reduces volatile organic compound emissions from PFC evaporation, spillage and permeation. The amendments include requiring certification fuel to reflect commercially available gasoline containing 10 percent ethanol; harmonizing aspects of the Board's PFC certification and test procedures with those of the United States Environmental Protection Agency, and strengthening ARB's certification process to reduce the noncompliance rate identified through testing of PFCs taken from store shelves.

4. Public Meeting to Hear an Update on the Status of the Advanced Clean Transit Rule

The Board heard an update on staff's development of potential amendments to the Advanced Clean Transit Rule. The update summarized what was learned from the advanced transit technology symposium held on February 8 and the efforts of the advanced clean transit workgroup, which includes transit agency representatives, to investigate technology performance and availability and costs. The goal of the effort is to identify a feasible long-term strategy toward zero emission bus fleets. The Board discussed the need to ensure transit service levels are maintained, and incorporated those considerations in the program development process.

Attachment

CARB February 18, 2016 Meeting Agenda

PUBLIC MEETING AGENDA

February 18, 2016

[Webcast](#)

LOCATION:

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

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
February 18, 2016
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Item #

16-2-1: Public Meeting to Hear an Update on the Aliso Canyon Methane Leak

The Board will hear an informational update on the Aliso Canyon methane leak and staff's preparation of a climate impacts mitigation program pursuant to the Governor's January 6, 2016, Proclamation concerning the incident.

[More Information](#)

[Staff Presentation](#)

16-2-2: Report from the Office of the Ombudsman 2015

The Board will hear a report on the Office of the Ombudsman's engagement with small business and other stakeholders during 2015.

[More Information](#)

[Staff Presentation](#)

16-2-3: Public Hearing to Consider Amendments to the Portable Fuel Container Regulation

The Board will consider amendments to the portable fuel container (PFC) regulation, which include requiring certification fuel to contain 10 percent ethanol, harmonizing aspects of the Board's PFC certification and test procedures with those of the United States Environmental Protection Agency, revising the Air Resources Board's (ARB) certification process, and streamlining, clarifying, and increasing the robustness of ARB's certification and test procedures.

[More Information](#)

[Staff Presentation](#)

16-2-5: Public Meeting to Hear an Update on the Status of the Advanced Clean Transit Rule

The Board will hear an update on staff's development of proposed amendments to the Advanced Clean Transit Rule. This update will include information on establishing a transit workgroup and a summary of outcomes from staff's advanced transit technology symposium.

[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.

Richard 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.

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.

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.

Owner Operator Independent Drivers Association, Inc., United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 14-1192.

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).

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).

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, 23rd Floor, Sacramento, California 95814

(916) 322-5594

ARB Homepage: 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.