

BOARD MEETING DATE: November 3, 2017

AGENDA NO. 28

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on October 26, 2017, in Riverside, 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 California Air Resources Board's (CARB or Board) October meeting was held on October 26, 2017 in Riverside at the Riverside County Administrative Center. Key items presented are summarized below.

CONSENT ITEMS

17-10-2: Public Meeting to Consider Supplemental Transportation Conformity Budgets for the Portola Fine Particulate Matter (PM2.5) Attainment Plan

The Board approved the supplemental transportation conformity budgets (budgets) for the Portola Fine Particulate Matter (PM2.5) Attainment Plan (Plan). The California Air Resources Board will submit the budgets to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

17-10-3: Public Meeting to Consider 11 Research Proposals

The Board approved 11 research proposals that were developed in response to the Board-approved FY 2017-2018 Annual Research Plan, these proposals are:

1. A Tool to Prioritize Sources for Reducing High PM2.5 Exposures in Environmental Justice Communities in California, University of Texas, at Austin.

2. Combined Exposure to UFPM and Ozone: Characterization of Particulate Deposition, Pulmonary Oxidant Stress and Myocardial Injury, University of California (UC) Davis.
3. Characterization of Air Toxics and Greenhouse Gas Emission Sources, and their Impacts on Community-Scale Air Quality Levels in Disadvantaged Communities, FluxSense.
4. Effects of Brake and Tire Wear on Particulate Matter Composition, Reactive Oxygen Species, Placental Development and Birth Outcomes in Los Angeles, UC Los Angeles.
5. Geofencing as a Strategy to Lower Emissions in Disadvantaged Communities, UC Riverside.
6. Emissions Impact of Connected and Automated Vehicle Deployment in California, UC Davis.
7. Activity Data of Off-Road Engines in Construction, UC Riverside.
8. Spatial Variation of Vertical Ozone Distribution Over California, National Aeronautics and Space Administration.
9. Long-Term Characterization of Fine PM Chemical Composition in the San Joaquin Valley, UC Davis.
10. Advanced Plug-In Electric Vehicle Travel and Charging Behavior, UC Davis.
11. Characterizing the Climate Impacts of Brown Carbon, UC San Diego.

DISCUSSION ITEMS

17-10-5: Public Meeting to Hear an Update on the Implementation of Assembly Bill 617 (The Community Air Protection Program)

The Board heard an update on efforts underway to implement the mandates of Assembly Bill (AB) 617. AB 617, known as the Community Air Protection Program (CAPP), is the most significant criteria and toxics air quality legislation passed in California in the last three decades. CAPP is designed to provide important new tools to address pollution exposures in California's most heavily impacted communities, disadvantaged communities, and sensitive receptor locations. Specifically, AB 617 requires the California Air Resources Board to identify communities with the highest exposure burden and develop a Statewide Monitoring Plan and Statewide Reduction Strategy by October 2018. The Board heard that CARB staff has begun the public process meeting with community and environmental justice organizations, air districts, and additional stakeholders to determine the most appropriate focus of community air monitoring in addition to defining goals and metrics for community level actions in reducing exposure to air pollution.

SCAQMD Staff Comments/Testimony: The Executive Officer provided comments regarding the implementation of AB 617 and the importance of the role of local air districts in that process. Support was expressed for the process that will be implemented over the next several months. Staff stressed the need for fast action on incentive funding in order to show the successes of early action to secure ongoing funding in the future, and described the significant resources required to carry out various community monitoring efforts. The need for quick action to achieve necessary emissions reductions was emphasized as well as a commitment for continued collaboration with CARB staff on implementation of the CAPP.

17-10-1: Public Meeting to Consider the Ozone State Implementation Plan for Imperial County

The Board adopted the Imperial County 2017 State Implementation Plan for the 2008 8-hour Ozone Standard (Ozone SIP). The item was removed from the consent calendar to provide the Board an opportunity to discuss the effects of emissions from Mexico on Imperial County ozone. The Ozone SIP demonstrated that Imperial County would have attained the standard but for the emissions from Mexico. The Executive Officer updated the Board on efforts working with Mexican authorities to minimize emissions from vehicles originating in Mexico. The Ozone SIP will be submitted to U.S. EPA as a revision to California's State Implementation Plan.

17-10-4: Public Meeting to Hear an Update on California's Allocation of the Volkswagen Environmental Mitigation Trust (First Partial Consent Decree, Appendix D)

The Board heard a summary of the Volkswagen (VW) Consent Decree's Appendix D requirements for California's allocation of the VW Environmental Mitigation Trust (Trust). Funds from the Trust, about \$423 million in California, will address excess emissions of Nitrogen Oxides (NOx) caused by the VW deception and will be used to replace older heavy-duty vehicles and equipment, and fund light-duty electric vehicle infrastructure. The California Air Resources Board (CARB) is developing, through a public process, the Beneficiary Mitigation Plan (Plan) that summarizes how California will allocate the Trust funds. The Plan will be based on guiding principles being developed with stakeholders and following Senate Bill 92 direction to dedicate 35 percent of the funds to benefit low income or disadvantaged communities, and to be consistent with other State priorities. CARB staff provided the Board with a summary of the public comments received to date, a schedule of upcoming public meetings, and an outline of potential guiding principles for the Plan. CARB staff is scheduled to return to the Board with the final Plan in the spring of 2018.

Attachment

CARB October 26, 2017 Meeting Agenda



PUBLIC MEETING AGENDA

October 26, 2017

LOCATION:

Riverside County Administrative Center
4080 Lemon Street, 1st Floor
Riverside, California 92501

This facility is accessible by public transit. For transit information, call (951) 565-5002, website:

<http://www.riversidetransit.com/home/>

(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
October 26, 2017
9:00 a.m.**

CONSENT CALENDAR:

The following items on the consent calendar will be presented to the Board immediately after the start of the public meeting, unless removed from the consent calendar either upon a Board member's request or if someone in the audience wishes to speak on them.

Consent Item #

17-10-1: Public Meeting to Consider the Ozone State Implementation Plan for Imperial County

The Board will consider adopting the Imperial County 2017 State Implementation Plan for the 2008 8-hour Ozone Standard (Ozone SIP). If adopted, the California Air Resources Board will submit the Ozone SIP to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

17-10-2: Public Meeting to Consider Supplemental Transportation Conformity Budgets for the Portola Fine Particulate Matter (PM2.5) Attainment Plan

The Board will consider approving the supplemental transportation conformity budgets for the Portola Fine Particulate Matter (PM2.5) Attainment Plan (Plan). If adopted, the California Air Resources Board will submit the Plan to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

17-10-3: Public Meeting to Consider 11 Research Proposals

The Board will consider approving 11 research proposals that were developed in response to the Board-approved FY 2017-2018 Annual Research Plan.

- 1) "A Tool to Prioritize Sources for Reducing High PM2.5 Exposures in Environmental Justice Communities in California," University of Texas, at Austin, Proposal No. 2805-287.
- 2) "Combined Exposure to UFPM and Ozone: Characterization of Particulate Deposition, Pulmonary Oxidant Stress and Myocardial Injury," University of California, Davis, Proposal No. 2806-287.

- 3) *"Characterization of Air Toxics and Greenhouse Gas Emission Sources, and their Impacts on Community-Scale Air Quality Levels in Disadvantaged Communities," FluxSense, Proposal No. 2807-287.*
- 4) *"Effects of Brake and Tire Wear on Particulate Matter Composition, Reactive Oxygen Species, Placental Development and Birth Outcomes in Los Angeles," University of California, Los Angeles, Proposal No. 2808-287.*
- 5) *"Geofencing as a Strategy to Lower Emissions in Disadvantaged Communities," University of California, Riverside, Proposal No. 2809-287.*
- 6) *"Emissions Impact of Connected and Automated Vehicle Deployment in California," University of California, Davis, Proposal No. 2810-287.*
- 7) *"Activity Data of Off-Road Engines in Construction," University of California, Riverside, Proposal No. 2811-287.*
- 8) *"Spatial Variation of Vertical Ozone Distribution Over California," National Aeronautics and Space Administration, Proposal No. 2812-287.*
- 9) *"Long-Term Characterization of Fine PM Chemical Composition in the San Joaquin Valley," University of California, Davis, Proposal No. 2813-287.*
- 10) *"Advanced Plug-In Electric Vehicle Travel and Charging Behavior," University of California, Davis, Contract No. 12-319.*
- 11) *"Characterizing the Climate Impacts of Brown Carbon," University of California, San Diego, Contract No. 13-330.*

DISCUSSION ITEMS:

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

Agenda Item #

17-10-5: Public Meeting to Hear an Update on the Implementation of Assembly Bill 617 (The Community Air Protection Program)

Spanish translation will be provided at the Board Meeting for this item, Item 17-10-5.

The Board will hear an update on efforts underway to implement the mandates of Assembly Bill (AB) 617. AB 617, known as the Community Air Protection Program, is the most significant criteria and toxics air quality legislation passed in California in the last three decades. The Program is designed to provide important new tools to address pollution exposures in California's most heavily impacted communities, support improved monitoring and reporting, and achieve pollution reductions at many industrial sites.

17-10-4: Public Meeting to Hear an Update on California's Allocation of the Volkswagen Environmental Mitigation Trust (First Partial Consent Decree, Appendix D)

The Board will hear a summary of the Volkswagen (VW) Consent Decree's requirements (focused on Appendix D), a summary of the public comments received to date, and outline the potential guiding principles and public process for developing the Beneficiary Mitigation Plan for California's allocation of the VW Environmental Mitigation Trust which totals about \$423 million for 2.0L and 3.0L consent decrees.

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):

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.

California et al. v. U.S. Department of Transportation et al., United States District Court, Northern District of California, Case No. 4:17-CV-05439.

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

Mexichem Fluor Inc. v. United States Environmental Protection Agency et al., U.S. Court of Appeals, District of Columbia Circuit, Case Nos. 15-1328 and 15-1329.

POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 09CECG04659; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394 [remanded to trial court]; plaintiff's appeal of trial court order discharging peremptory writ of mandate, Court of Appeal, Fifth District, Case No. F073340.

POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 15CECG03380.

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. 12-15131 [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].

Sowinski v. California Air Resources Board, et al., U.S. District Court, Central District of California, Case No. 8:15-CV-02123.

State of New York, et al. v. United States Environmental Protection Agency et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 17-1185.

State of North Dakota, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1242.

State of North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

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.

State of Wyoming, et al. v. United States Department of the Interior, et al., U.S. District Court, District of Wyoming, Case No. 16-CV-285-SWS.

Adam Brothers Farming, Inc. v. California Air Resources Board, et al., Santa Barbara County Superior Court, Case No. 15 CV04432.

Alliance for California Business v. California Air Resources Board, et al., Glenn County Superior Court, Case No. 13CV01232; plaintiffs' appeal, Court of Appeal, Third District, Case No. C082828.

Alliance for California Business v. California State Transportation Agency, et al., Sacramento County Superior Court, Case No. 34-2016-80002491.

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

Jack Cody dba Cody Transport v. California Air Resources Board, et al., Sacramento Superior Court, Case No. 34-2015-80002116; plaintiff's appeal, Court of Appeal, Third District, Case No. C083083.

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.

John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494; ARB's appeal, Court of Appeal, Fifth District, Case No. F074003.

Murray Energy Corporation v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1385.

Truck Trailer Manufacturers Association, Inc. v. United States Environmental Protection Agency, et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 16-1430.

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

California Air Resources Board v. SSA Containers, Inc., Los Angeles County Superior Court, Case No. BC628573 and No. BC628722.

California Air Resources Board v. Adam Brothers Farming Inc., Santa Barbara County Superior Court, Case No. 16CV01758.

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

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

Mahan v. California Air Resources Board, Sacramento County Superior Court, Case No. 34-2016-80002416.

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:

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

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

PLEASE NOTE: No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any CARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerk of the Board at cotb@arb.ca.gov no later than noon on the business day prior to the scheduled Board meeting.

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

1001 I Street, 23rd Floor, Sacramento, California 95814

(916) 322-5594

CARB 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 alternativo 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.

SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD