

BOARD MEETING DATE: October 6, 2017

AGENDA NO. 31

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on September 28, 2017, 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 California Air Resources Board's (CARB or Board) May meeting was held on September 28, 2017 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

### **CONSENT ITEMS**

#### **17-9-1: Public Meeting to Consider the 2017 Ozone Attainment Plan for the Eastern Kern Nonattainment Area**

The Board approved the Eastern Kern Air Pollution Control District Plan for the 75 ppb 8-Hour Ozone Standard (Ozone SIP). The Board found that the Ozone Plan meets all of the requirements of the Clean Air Act for a Serious ozone nonattainment area and the Ozone Plan will be submitted to U.S. EPA as a revision to California's State Implementation Plan.

#### **17-9-2: Public Hearing to Consider the Proposed Amendments to California's Evaluation Procedures for New Aftermarket Catalytic Converters**

The Board adopted amendments to the California Evaluation Procedures for New Aftermarket Catalytic Converters to allow use of these procedures on Low-Emission Vehicle III (LEV III) vehicles. The approved amendments will benefit California businesses and consumers by allowing aftermarket catalytic converters for LEV III vehicles to be sold in this state.

## **DISCUSSION ITEMS**

### **17-9-3: Public Meeting to Hear an Update on Development of the PM2.5 State Implementation Plan for the San Joaquin Valley and Consider the San Joaquin Valley PM2.5 Contingency Measures**

The Board heard an update on the development of the comprehensive PM2.5 State Implementation Plan for the San Joaquin Valley. At the October 2016 meeting, the Board directed staff to identify near-term reductions from stationary and mobile sources, work with stakeholders and develop a strategy for meeting the 24-hour and annual PM2.5 standards in the Valley. Since that time, CARB and San Joaquin Valley District staff have developed new strategies designed to meet these standards. Staff expects to bring the proposed comprehensive plan demonstrating attainment of these standards to the Board in March of 2018. In addition, the Board adopted an attainment contingency measure for the previous annual PM2.5 standard in the San Joaquin Valley. CARB will submit the attainment contingent measure to U.S. EPA as a revision to the California State Implementation Plan.

### **17-9-4: Public Meeting to Hear an Update to the Enforcement Policy**

The Board heard an informational update on the proposed California Air Resources Board enforcement policy that will replace the current policy developed in 2011. The proposed enforcement policy is partly in response to new enforcement responsibilities related to Assembly Bill 1685 (2016) and Assembly Bill 617 (2017). These bills, among other things, increase the maximum penalties for mobile and stationary source violations. The new enforcement policy will also clarify CARB's enforcement process, establish considerations in determining appropriate penalties, clarify enforcement responsibilities to the public and in disadvantaged communities, and provide guidance for compliance assistance.

### **17-9-5: Public Meeting to Hear an Update on the Assembly Bill 1496 Methane "Hot Spot" Survey**

The Board heard a presentation on the California Statewide Methane Survey, an ongoing research study developed in collaboration between CARB, the California Energy Commission and NASA/JPL that was conducted pursuant to Assembly Bill 1496. The survey, using airborne and on the ground measurements, identified point sources of methane across the State, including power plants, oil refineries, dairies and landfills. Results from phase 1 of this study suggest that large sources contribute significantly to statewide methane emissions. Results from this and further methane studies will advance CARB Green House Gas programs.

## **Attachment**

CARB September 28, 2017 Meeting Agenda



## PUBLIC MEETING AGENDA

**September 28, 2017**

### LOCATION:

California Environmental Protection Agency  
California Air Resources Board  
Byron Sher Auditorium, 2<sup>nd</sup> Floor  
1001 I Street  
Sacramento, California 95814

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  
September 28, 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 #**

**17-9-1: Public Meeting to Consider the 2017 Ozone Attainment Plan for the Eastern Kern Nonattainment Area**

*The Board will consider adopting the Eastern Kern Air Pollution Control District 2017 Ozone Attainment Plan for the federal 75 ppb 8-hour ozone standard. If adopted, the California Air Resources Board will submit this plan to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.*

**17-9-2: Public Hearing to Consider the Proposed Amendments to California's Evaluation Procedures for New Aftermarket Catalytic Converters**

*The Board will consider adopting amendments to the California Evaluation Procedures for New Aftermarket Catalytic Converters to allow use of these procedures on Low-Emission Vehicle III vehicles.*

### **DISCUSSION ITEMS:**

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

#### **Agenda Item #**

**17-9-3: Public Meeting to Hear an Update on Development of the PM2.5 State Implementation Plan for the San Joaquin Valley and Consider the San Joaquin Valley PM2.5 Contingency Measures**

Spanish translation will be provided at the Board Meeting for this item, Item 17-9-3.

*The Board will hear an update on the development of the comprehensive PM2.5 State Implementation Plan for the San Joaquin Valley, including the proposed strategy for meeting multiple PM2.5 standards. The Board will also consider the attainment contingency measure for the 15 µg/m3 annual PM2.5 standard in the San Joaquin Valley. If the revision is adopted, the California Air Resources Board will submit it to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.*

**17-9-4: Public Meeting to Hear an Update to the Enforcement Policy**

*The Board will hear an update to the California Air Resources Board enforcement policy. CARB is updating its policy partly to respond to Assembly Bill 1685 (2016) which, among other things, increases the maximum penalties for mobile source violations and clarifies how those penalties can be applied. In addition to updating the current policy to address Assembly Bill 1685, staff is taking this opportunity to develop a more comprehensive enforcement policy; providing more clarity on compliance resources available, CARB's enforcement process, considerations in determining appropriate penalties, voluntary disclosure considerations, minor violations, and public communication and information protection.*

**17-9-5: Public Meeting to Hear an Update on the Assembly Bill 1496 Methane "Hot Spot" Survey**

*The Board will hear an update on the findings from a recently concluded research study investigating the Methane 'Hot Spot' and potential super-emitters across the state that was conducted pursuant to Assembly Bill 1496.*

**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 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.*

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

*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.*

*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 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.

*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).

*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.

*Hamilton v. California Air Resources Board, et al.*, U.S. District Court for the Eastern District of California, Case No. 1:15-CV-01942-AWI-SKO.

*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.

*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.

*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. West Coast Diesel, Inc.*, Fresno County Superior Court, Case No. 15 CECG 03337.

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

*People of the State of California ex rel. California Air Resources Board v. Marten Transport Logistics, LLC*, Los Angeles County Superior Court, Case No. BC645288.

*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](mailto: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, 23<sup>rd</sup> Floor, Sacramento, California 95814**

**(916) 322-5594**

**CARB 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 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.