

BOARD MEETING DATE: March 2, 2018

AGENDA NO. 31

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on February 8, 2018, in Sacramento, CA. The following is a summary of the meeting.

RECOMMENDED ACTION:

Receive and file.

Judith Mitchell, Member
SCAQMD Governing Board

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The California Air Resources Board (CARB or Board) held a meeting on February 8, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

CONSENT ITEMS

18-1-1: Public Hearing to Consider Proposed Amendments to the Area Designations for State Ambient Air Quality Standards

The Board adopted amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards. Based on 2014 to 2016 air quality data, a total of seven changes to area designations were approved for State ozone, PM2.5 and PM10 standards. For State ozone standards, the Lake Tahoe Air Basin was re-designated to attainment, while the North Central Coast Air Basin and Sutter and Yuba Counties in the Sacramento Valley Air Basin were designated nonattainment. For the State PM10 standard, Shasta County in the Sacramento Valley Air Basin was re-designated as attainment while Lassen and Modoc Counties in the Northeast Plateau Air Basin were designated as unclassified. Finally, the San Bernardino County portion of the federal Southeast Desert Modified Air Quality Maintenance Area for ozone was re-designated to attainment for the State PM2.5 standard.

DISCUSSION ITEMS

18-1-2: Public Meeting to Hear 50-Year Air Quality Trends and Health Benefits Presentation

February 8, 2018 marked the 50th Anniversary of the first CARB hearing. For this anniversary, the Board heard a retrospective presentation reviewing five decades of achievements improving air quality, public health, economic benefits, and environmental justice. In this presentation, staff showed that pollutant levels have decreased 75-99% in all communities in California despite the state doubling its population and quadrupling the amount of vehicle use. The work by CARB and our local partners to clean the air has resulted in the residents of California now enjoying healthier and longer lives with 29,500 premature deaths avoided each year.

18-1-3: The Haagen-Smit Legacy Awards

For CARB's 50th Anniversary and to commemorate five decades of progress towards clean air, CARB highlighted the accomplishments of a select group of remarkable individuals who made significant contributions to meeting air quality and climate goals in California and beyond. In recognition of their accomplishments, David Hawkins, Congressman Henry Waxman, Professor Mario Molina, Governor Arnold Schwarzenegger, and Professor Gina McCarthy were presented Haagen-Smit Legacy Awards.

18-1-5: Report to the Board on the California Air Resources Board Program Priorities for 2018

Executive Officer Richard Corey provided the Board with an overview of CARB priorities for 2018. In this presentation, Mr. Corey stated that CARB will continue the implementation of meaningfully and equitable programs to reduce greenhouse gases (GHG) and lower air pollution for all Californians. To meet climate goals, CARB will focus on implementation of the Scoping Plan, amendments to the Cap-and-Trade Program to conform to AB 398, lowering Short-Lived Climate Pollutants, updates to SB 375 regional GHG targets and plans reducing carbon emissions from the Electricity Sector and Natural & Working Lands. To reduce emissions from the transportation sector, CARB will advance cleaner cars and low-carbon fuels through the Advanced Clean Cars II Regulation, Electric Car charging infrastructure, increased stringency of the Low Carbon Fuel Standard, and outreach and education for zero-emission-vehicle buyers. And to transform the freight systems and reduce localized risk, CARB will proceed with rulemaking and incentive programs targeting Heavy-Duty vehicles and freight equipment in addition to programs to reduce hexavalent chromium and other toxic metals.

18-1-4: Public Hearing to Consider Proposed California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles, and Proposed Amendments to the Tractor-Trailer Greenhouse Gas Regulation Incentives

The Board approved the California Phase 2 GHG Emissions Standards and amendments to the Tractor-Trailer GHG regulation. The California Phase 2 GHG emission standards harmonize with federal Phase 2 standards that were adopted by the U.S. EPA and the United States Department of Transportation's National Highway Traffic Safety Administration on October 25, 2016. The Phase 2 proposal also included minor differences from the federal Phase 2 program that are necessary to ease enforcement, align with existing California programs, and provide incentives to bring advanced technologies to market. Finally, staff raised concerns with U.S. EPA's proposed repeal of restrictions limiting the use of glider kit vehicles with old, polluting engines and U.S. EPA's potential rollback of trailer requirements.

Attachment

CARB February 8, 2018 Meeting Agenda



PUBLIC MEETING AGENDA

February 8, 2018

LOCATION:

California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium, 2nd 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
February 8, 2018
9:00 a.m.**

August 30, 2017, marked the 50th anniversary of Governor Ronald Reagan approving the Mulford-Carrell Act that created the State Air Resources Board. February 8, 2018, will mark the 50th Anniversary of the first California Air Resources Board meeting and will serve as a celebration of a half century of clearing California's skies and improving public health.

CONSENT CALENDAR:

The following item 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 #

18-1-1: Public Hearing to Consider Proposed Amendments to the Area Designations for State Ambient Air Quality Standards

The Board will consider proposed amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants with State ambient air quality standards. Based on 2014 to 2016 air quality data, a total of seven changes to area designations are proposed for ozone, PM2.5, and PM10.

DISCUSSION ITEMS:

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

Agenda Item #

18-1-2: Public Meeting to Hear 50-Year Air Quality Trends and Health Benefits Presentation

February 8, 2018 marks the 50th Anniversary of the first California Air Resources Board hearing. The Board will hear a retrospective presentation reviewing five decades of achievement in improving air quality, public health, economic benefits, and environmental justice.

18-1-3: The Haagen-Smit Legacy Awards

The awards will be presented to the recipients of the Haagen-Smit Legacy Awards. This is a special year for the Awards Program as it is the 50th Anniversary of the legislation that created the Board. To commemorate five decades of progress towards clean air, CARB is highlighting the accomplishments of a select group of remarkable individuals who have had a significant impact on air quality and climate goals in California and beyond.

18-1-4: Public Hearing to Consider Proposed California Greenhouse Gas Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles, and Proposed Amendments to the Tractor-Trailer Greenhouse Gas Regulation

(This item will not be heard prior to 1:00 p.m.)

The Board will consider approving the proposed California Phase 2 Greenhouse Gas (GHG) Emissions Standards and proposed amendments to the Tractor-Trailer GHG regulation. The proposed California Phase 2 GHG emission standards harmonize with federal Phase 2 standards that were adopted by the United States Environmental Protection Agency (U.S. EPA) and the United States Department of Transportation's National Highway Traffic Safety Administration on October 25, 2016. The Phase 2 proposal also includes minor California differences from the federal Phase 2 program that are necessary to ease enforcement, align with existing California programs, and provide incentives to bring advanced technologies to market. Finally, the Phase 2 proposal includes restrictions on the production of high-emitting glider vehicles that the U.S. EPA has recently proposed to repeal, but which CARB staff thinks are crucial for protecting public health and preventing the circumvention of emission standards.

18-1-5 Report to the Board on the California Air Resources Board Program Priorities for 2018

Executive Officer Richard Corey will provide the Board with an overview of California Air Resources Board priorities for 2018.

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.

Electric Power Supply Association, et al. v. Star, et al., U.S. Court of Appeals, Seventh Circuit, Case No. 17-2445.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., Superior Court of California, San Luis Obispo County, Case No. 17CV-0576.

In re La Paloma Generating Company, LLC, U.S. Bankruptcy Court, District of Delaware, Case No. 16-bk-12700.

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 California, et al. v. United States Environmental Protection Agency et al., U.S. District Court, Northern District of California, Oakland Division, Case No. 4:17-cv-6936-HSG.

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.

States of New York, California, Vermont, and Maryland, and the Commonwealth of Pennsylvania v. National Highway Traffic Safety Administration, U.S. Court of Appeals, Second Circuit, Case Nos. 17-2780(L) and 17-2806.

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. 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.