

BOARD MEETING DATE: November 2, 2018

AGENDA NO. 26

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on September 27 and 28 and on October 25, 2018 in Sacramento, CA. The following are summaries of those meetings.

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 September 27 and 28, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

CONSENT ITEMS

18-7-1: Public Meeting to Consider the California Infrastructure State Implementation Plan Revisions for the 0.070 Parts Per Million Federal 8-Hour Ozone Standard

The Board adopted revisions to the California Infrastructure State Implementation Plan (Infrastructure SIP) for the 0.070 parts per million (ppm) federal 8-hour ozone standard. The revisions address requirements that California demonstrates it has the infrastructure to meet the federal ozone standard as revised in 2015. This includes state's authority to adopt, implement, and enforce regulations in addition to sufficient personnel and resources. Infrastructure SIPs also include an "interstate transport" assessment of potential pollution impacts between upwind and downwind states. CARB's Infrastructure SIP demonstrates that California does not significantly contribute to nonattainment or interfere with maintenance of the 0.070 ppm 8-hour ozone standard in neighboring states. The Board directed CARB staff to submit the California Infrastructure SIP revisions to U.S. EPA.

18-7-2: Public Hearing to Consider Environmental Comments from John R. Lawson Rock & Oil, Inc. Regarding Board Item 18-1-4

The Board approved staff's responses to environmental comments submitted by John R. Lawson Rock & Oil, Inc., on July 18, 2018. These comments were made during the 15-day comment period for the California Phase 2 Greenhouse Gas rulemaking action taken at the February 8, 2018, Board hearing titled "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."

DISCUSSION ITEMS

18-7-3: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Community Selection and Program Requirements

The Board approved the Final Draft Community Air Protection Blueprint (Blueprint) and the selection of ten initial communities for the first year of implementation under the AB 617 Community Air Protection Program (Program). The Blueprint defines new community-focused actions to reduce air pollution in disproportionately burdened communities throughout the State. This includes development of new statewide regulatory strategies, targeted incentive funding, new tools and resources for making data more accessible, and supporting community participation through community air grants. The Blueprint also includes detailed requirements for preparing community emission reduction programs and conducting community air monitoring. Over the coming year, air districts will work with community members to develop community emissions reduction programs and implement community-level air monitoring in the ten initial communities. These community-level programs will be developed through a transparent, community-driven process. The initial communities will serve as models for identifying strategies and approaches that can be implemented in communities with similar air pollution challenges. CARB will also be moving forward with development of a comprehensive set of mobile source strategies. The Board also certified the Final Environmental Analysis, and approved the written responses to comments received on the Draft Environmental Analysis.

SCAQMD Staff Comments/Testimony: Wayne Nastri, Executive Officer, provided testimony to highlight SCAQMD's extensive outreach efforts to ensure that public input is integrated into the AB 617 program, and the enormous challenges in addressing the local air quality issues in disadvantaged communities in the South Coast District. He emphasized the strong collaboration between SCAQMD and CARB staff in developing the guidelines for this program, and stressed the need for sustained funding for this important program. He provided two key recommendations, which were to emphasize that this program does not substantially alter the regulatory authorities of CARB or SCAQMD, and that the priority of the AB 617 efforts must be work that results in actual local air quality improvements.

18-7-4: Public Hearing to Consider Amendments to the Low Carbon Fuel Standard Regulation and to the Regulation on Commercialization of Alternative Diesel Fuels

The Board approved amendments designed to strengthen the Low Carbon Fuel Standard regulation through 2030 in line with the Senate Bill 32 greenhouse gas reduction goals. The amendments will also increase deployment of zero-emission vehicles, adopt a credit generating protocol for carbon capture and sequestration, establish third-party verification of program data, and streamline the implementation of the regulation. As part of this rulemaking, the Board made amendments to the Alternative Diesel Fuels regulation based on a supplemental environmental analysis related to NOx emissions. The Board also certified the Final Environmental Analysis and approved the written response to comments received on the Draft Environmental Analysis.

18-7-5: Public Hearing to Consider Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation

The Board adopted amendments to the Low-Emission Vehicle III (LEV III) greenhouse gas (GHG) emission regulation to clarify that the "deemed to comply" option for model years 2021 through 2025 is applicable only if the currently adopted federal regulations remain in effect. The "deemed to comply" option was adopted by CARB to allow compliance with U.S. EPA GHG standards as an alternative to California's regulation for vehicle model years 2012 to 2025. At the time, the U.S. EPA regulation was comparable to the GHG emission reductions in the California LEV III program. In 2018, however, U.S. EPA along with the National Highway Traffic Safety Administration published a Notice of Proposed Rulemaking that, if finalized, will weaken U.S. EPA's GHG standards. The approved amendments by the Board will ensure that any weakening of the federal standards will not reduce the requirements on model year 2021 to 2025 vehicles in California.

18-7-6: Public Hearing to Consider the Proposed Innovative Clean Transit Regulation, a Replacement of the Fleet Rule for Transit Agencies

The Board heard an update on the proposed Innovative Clean Transit (ICT) Regulation that seeks to transition buses in California to zero-emission by 2040. CARB staff is working with transit agencies to develop long-term strategies to transition buses to zero-emission technologies while maintaining or enhancing transit services and providing environmental benefits, especially in disadvantaged communities. The proposed ICT regulation will encourage early action and seek to ensure sufficient funding opportunities are available to transition to zero-emission buses. CARB staff anticipates the Board will consider approval of the ICT regulation in January 2019.

The California Air Resources Board's (CARB or Board) held a meeting on October 25, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

CONSENT ITEMS

18-8-1: Public Meeting to Consider Six Research Proposals

The Board approved six research proposals developed in response to the Board-approved research projects for Fiscal Year 2018-2019. The approved research proposals are:

1. "Real-world Tire and Brake-wear Emissions," UC Riverside, \$400,000, Proposal No. 2817-289.
2. "Hybridization and Full Electrification Potential in Off-Road Applications," UC Riverside, \$350,000, Proposal No. 2818-289.
3. "Screening Method and Map for Evaluating Transportation Access Disparities and other Built Environment-related Social Determinants of Health," UC Los Angeles, \$349,812, Proposal No. 2819-289.
4. "Estimating Induced Travel from Capacity Expansions on Congested Corridors," UC Berkeley, \$249,371, Proposal No. 2820-289.
5. "Environmental Chamber Experiments to Improve Secondary Organic Aerosol Model Prediction," UC Riverside, \$450,000, Proposal No. 2821-289.
6. "Characterizing the Potential Health and Equity Impacts of Oil and Gas Extraction and Production Activities in California," UC Berkeley, \$299,988, Proposal No. 2822-289.

18-8-2: Public Meeting to Consider the Proposed Submission of California's Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities into the California State Implementation Plan

The Board adopted a resolution directing staff to submit California's Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities (Oil and Gas GHG standards regulation) to U.S. EPA as a revision to the California State Implementation Plan. The Oil and Gas GHG standards regulation in combination with local air district rules was determined by CARB staff to achieve an equivalent or greater level of control of ozone-forming emissions than the U.S. EPA Control Technology Guideline (CTG) entitled, *Control Techniques Guidelines for the Oil and Natural Gas Industry*. Submittal of the Oil and Gas GHG standards regulation to U.S. EPA will fulfill Clean Air Act Reasonably Available Control Technology requirements.

DISCUSSION ITEMS

18-8-4: Public Hearing to Consider Proposed Amendments to Enhanced Vapor Recovery Regulations to Standardize Gas Station Nozzle Spout Dimensions to Help Address Storage Tank Overpressure

The Board adopted amendments to the Enhanced Vapor Recovery Regulations to standardize gas station nozzle spout dimensions. This amendment was needed to reduce emissions from gas station storage tanks. Poor seals at the interface between vapor recovery nozzles and newer vehicle fill pipes contribute to overpressure of the gas station storage tanks and venting of gasoline vapors. Standardized nozzle spouts and improved compatibility with newer motor vehicle fill pipes will reduce vapor release from gasoline storage tanks thereby reducing near-source exposure to benzene as well as ozone formation. The amendments include 15-day changes to consider additional spout modifications.

18-8-5: Public Hearing to Consider Proposed Amendments to California Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks

The Board adopted amendments to Vehicle Fill Pipe Specifications to ensure new motor vehicle fill pipes form a good seal with Phase II recovery nozzles certified for use at California gasoline stations. The Vehicle Fill Pipe amendment together with the nozzle spout amendments in item 18-8-4 will provide for more secure seals at the nozzles/vehicle fill pipes interface reducing gasoline station overpressure and gasoline vapor venting. This amendment includes 15-day changes.

18-8-6: Public Meeting to Consider Approval of the Proposed Fiscal Year 2018-19 Funding Plan for Clean Transportation Incentives

The Board approved the Proposed Fiscal Year 2018-19 Funding Plan for Clean Transportation Incentives (2018-2019 Funding Plan). The 2018-2019 Funding Plan describes proposed investments from two related funding sources: the Low Carbon Transportation Program funded with Cap-and-Trade auction proceeds and the Air Quality Improvement Program. These programs provide incentives for clean vehicle and equipment projects to reduce greenhouse gas emissions and air pollution with a priority on benefiting disadvantaged and low-income communities and low-income households. The 2018-2019 Funding Plan builds on investments from previous funding cycles by continuing incentives for zero-emission and plug-in passenger cars, clean trucks and buses, and advanced technology freight projects.

SCAQMD Staff Comments/Testimony: Staff testified in support of the proposed 2018-2019 Funding Plan for Clean Transportation, focusing on the \$55 million for the Freight Equipment Advanced Demonstration and Pilot Commercial Deployment Project. Staff suggested retaining eligibility for new purchases for refuse trucks for the 8.9L low-NOx engine, and an increase in voucher amounts for 11.9L low-NOx engines for repowers and new purchases.

18-8-7: Public Meeting to Consider the San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan

The Board adopted the San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan (Valley State SIP Strategy). The Valley State SIP Strategy describes State commitments for additional mobile source measures in the Valley. These measures will accelerate deployment of cleaner on-road Heavy Duty vehicles in addition to agricultural and other off-road equipment. The Valley State SIP Strategy will help provide the emission reductions needed to attain the health-based annual and 24-hour federal air quality standards for PM_{2.5} in the San Joaquin Valley by 2025. The Board will consider the complete SJV PM_{2.5} plan, including District stationary source measures at the January 2019 Board Meeting.

18-8-11: Public Meeting to Consider the 2018 Updates to the California State Implementation Plan

The Board approved the 2018 Updates to the California State Implementation Plan (2018 SIP Updates). The 2018 SIP Updates are needed to address recent court decisions regarding U.S. EPA guidance on SIP development. The 2018 SIP Updates address reasonable further progress-related components for several recent ozone and PM_{2.5} SIP submittals by CARB. These include SIPs for Coachella Valley, Eastern Kern County, Imperial County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast, Ventura County, and Western Mojave Desert. The 2018 SIP Updates also include enhanced State contingency measures for these areas, San Diego County, and Western Nevada County, in the event the areas fail to meet certain Clean Air Act deadlines. The 2018 SIP Updates will be submitted to U.S. EPA as a revision to the California SIP.

18-8-3: Public Hearing to Consider Proposed California Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles for 2019 and Subsequent Model Years

The Board adopted the proposed California Regulation and Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles (SPMV) for 2019 and Subsequent Model Years (SPMV regulation and certification procedures). The SPMV regulation and certification procedures will apply to manufacturers of light-duty engine packages for use by SPMV manufacturers (manufacturers with worldwide production of less than 5,000 vehicles annually) in new light-duty replica vehicles which resemble commercially produced heritage vehicles originally produced at least 25 years ago. The SPMV regulation and certification procedures require SPMVs to meet small volume manufacturer exhaust and evaporative emissions standards and OBD II requirements with some minor relaxation for evaporative system leak detection and include the same emissions warranty, defects reporting and recall requirements as other new vehicles. This proposal includes 15-day changes to consider modifications.

18-8-8: Public Meeting to Inform the Board of the California Air Resources Board Tribal Consultation Policy

The Board heard an informational item on the Draft California Air Resources Board Tribal Consultation Policy (Tribal Consultation Policy). In 2011, Governor Brown signed Executive Order B-10-11 that directed State agencies to consult with California Native American Tribes. The Tribal Consultation Policy commits CARB to engage in effective government-to-government consultations with California Native American Tribes. The policy will be posted on CARB's Tribal Relations website.

Attachments

CARB September 27 and 28 and October 25, 2018 Meeting Agendas



PUBLIC MEETING AGENDA

**Thursday, September 27, 2018
and
Friday, September 28, 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
September 27, 2018
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 #

18-7-1: Public Meeting to Consider the California Infrastructure State Implementation Plan Revisions for the 0.070 Parts Per Million Federal 8-Hour Ozone Standard

The Board will consider adopting revisions to the California Infrastructure State Implementation Plan (SIP) for the 0.070 parts per million federal 8-hour ozone standard. The revisions address requirements that California demonstrates it has the necessary infrastructure – meaning the authority to adopt, implement, and enforce regulations, and sufficient personnel and resources – to meet the federal ozone standard as revised in 2015. Infrastructure SIPs include an "interstate transport" assessment of potential pollution impacts between upwind/downwind states.

18-7-2: Public Hearing to Consider Environmental Comments from John R. Lawson Rock & Oil, Inc. Regarding Board Item 18-1-4.

The Board will consider staff's responses to environmental comments submitted by John R. Lawson Rock & Oil, Inc., on July 18, 2018, during the 15-day comment period for the California Phase 2 Greenhouse Gas rulemaking action – Board Item 18-1-4, the February 8, 2018 Board hearing, "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".

DISCUSSION ITEMS:

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

Agenda Item #

18-7-3: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Community Selection and Program Requirements

Spanish translation will be provided at the Board Meeting for this item, Item 18-7-3.

The Board will consider approving the Program requirements to implement community monitoring, community emission reduction programs, and community selection guidelines contained in the proposed Community Air Protection Blueprint, certifying the Final Environmental Analysis, and approving the written responses to comments received on the Draft Environmental Analysis; all in one Resolution. The Board will also consider staff's proposed list of communities to be selected for the first year of the Community Air Protection Program in a separate Resolution.

[More Information](#)

[Staff Presentation](#)

18-7-4: Public Hearing to Consider Amendments to the Low Carbon Fuel Standard Regulation and to the Regulation on Commercialization of Alternative Diesel Fuels

The Board will consider proposed amendments designed to strengthen the Low Carbon Fuel Standard (LCFS) regulation through 2030 in line with the Senate Bill 32 greenhouse gas reduction goals. The proposed amendments would also foster increased deployment of zero-emission vehicles, adopt a credit generating protocol for carbon capture and sequestration, establish third-party verification of program data, and streamline the implementation of the regulation. As part of this rulemaking the Board will consider proposed amendments to the Alternative Diesel Fuels regulation based on a supplemental environmental analysis related to NOx emissions. This is the second of two Board hearings on this item; the Board will consider certifying the Final Environmental Analysis, approving the written response to comments received on the Draft Environmental Analysis and adopting the amendments at this meeting. If needed, this item will carry over for adoption by the board on Friday, September 28.

[More Information](#)

[Staff Presentation](#)

**Friday
September 28, 2018
8:30 a.m.**

18-7-5 Public Hearing to Consider Proposed Amendments to the Low-Emission Vehicle III Greenhouse Gas Emission Regulation

The Board will consider adopting proposed amendments to the Low-Emission Vehicle III greenhouse gas emission regulation to clarify that the "deemed to comply" option for model years 2021 through 2025 is applicable only if the currently adopted federal regulations remain in effect.

[More Information](#)

[Staff Presentation](#)

18-7-6 Public Hearing to Consider the Proposed Innovative Clean Transit Regulation, a Replacement of the Fleet Rule for Transit Agencies

The Board will consider the staff proposal for the Innovative Clean Transit (ICT) Regulation that would require California transit agencies to gradually transition their buses to zero-emission technologies while enhancing services. The proposed ICT Regulation is structured to allow transit agencies to take advantage of incentive programs by acting early and in a manner to implement plans that are best suited for their own situations. This hearing will be the first of two planned Board hearings.

[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):

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 Air Resources Board v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

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

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

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; Orange County Superior Court, Case No. 30-2018-00970852-CU-IP-CXC.

State of California, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1114.

State of California, et al. v. United States Bureau of Land Management, et al., U.S. District Court, Northern District of California Circuit, Case No. 3:17-cv-07186-WHO.

State of New York, et al. v. United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

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.

The Two Hundred, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 18CECG01494.

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.

Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al., Court of Appeal, First Appellate District, Case No. A151004.

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.

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.

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 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.

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).

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., San Luis Obispo County Superior Court, Case No. 17CV-0576; U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

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 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.



PUBLIC MEETING AGENDA

**Thursday,
October 25, 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.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>

**Thursday
October 25, 2018
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 #

18-8-1: Public Meeting to Consider Six Research Proposals

The Board will consider approval of six research proposals that were developed in response to the Board-approved research projects for Fiscal Year 2018-2019.

- 1) *"Real-world Tire and Brake-wear Emissions," University of California, Riverside, Proposal No. 2817-289.*
- 2) *"Hybridization and Full Electrification Potential in Off-Road Applications," University of California, Riverside, Proposal No. 2818-289*
- 3) *"Screening Method and Map for Evaluating Transportation Access Disparities and other Built Environment-related Social Determinants of Health," University of California, Los Angeles, Proposal No. 2819-289.*
- 4) *"Estimating Induced Travel from Capacity Expansions on Congested Corridors," University of California, Berkeley, Proposal No. 2820-289.*
- 5) *"Environmental Chamber Experiments to Improve Secondary Organic Aerosol Model Prediction," University of California, Riverside, Proposal No. 2821-289.*
- 6) *"Characterizing the Potential Health and Equity Impacts of Oil and Gas Extraction and Production Activities in California," University of California, Berkeley, Proposal No. 2822-289.*

18-8-2: Public Meeting to Consider the Proposed Submission of California's Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities into the California State Implementation Plan

The Board will consider adopting a resolution directing staff to submit California's Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities into the California State Implementation Plan (Oil and Gas SIP Submittal). If adopted, California Air Resources Board will submit the Oil and Gas SIP Submittal to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

DISCUSSION ITEMS:

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

Agenda Item #

18-8-4: Public Hearing to Consider Proposed Amendments to Enhanced Vapor Recovery Regulations to Standardize Gas Station Nozzle Spout Dimensions to Help Address Storage Tank Overpressure

The Board will consider amendments to Enhanced Vapor Recovery Regulations to standardize gas station nozzle spout dimensions to improve compatibility with newer motor vehicle fill pipes. This compatibility is necessary to reduce air ingestion at the nozzle, which will help reduce storage tank overpressure conditions.

18-8-5: Public Hearing to Consider Proposed Amendments to California Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks

The Board will consider amendments to Vehicle Fill Pipe Specifications to help ensure new motor vehicle fill pipes are compatible and form a good seal with Phase II recovery nozzles that are certified for use at California gasoline stations as a means to reduce overpressure.

18-8-6: Public Meeting to Consider Approval of the Proposed Fiscal Year 2018-19 Funding Plan for Clean Transportation Incentives

The Board will consider the Proposed Fiscal Year 2018-19 Funding Plan for Clean Transportation Incentives. The plan describes proposed investments from two related funding sources: the Low Carbon Transportation Program funded with Cap-and-Trade auction proceeds and the Air Quality Improvement Program. These programs provide incentives for clean vehicle and equipment projects to reduce greenhouse gas emissions and air pollution with a priority on benefiting disadvantaged and low-income communities and low-income households. Staff's proposal builds on investments from previous funding cycles by continuing incentives for zero-emission and plug-in passenger cars, clean trucks and buses, and advanced technology freight projects.

18-8-7: Public Meeting to Consider the San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan

The Board will consider adopting the San Joaquin Valley Supplement to the 2016 State Strategy for the State Implementation Plan (Valley State SIP Strategy). The Valley State SIP Strategy describes the California Air Resources Board staff's proposal for a supplemental State commitment for additional mobile source measures and emission reductions to attain health-based annual and 24-hour federal air quality standards for PM2.5 in the San Joaquin Valley.

18-8-11: Public Meeting to Consider the 2018 Updates to the California State Implementation Plan

The Board will consider updates to State Implementation Plan submittals for several ozone and PM2.5 nonattainment areas. These updates are a result of recent court decisions regarding United States Environmental Protection Agency (U.S. EPA) guidance on certain elements of the area's plans. These updates address reasonable further progress-related components for Coachella Valley, Eastern Kern County, Imperial County, Sacramento Metropolitan Area, San Joaquin Valley, South Coast, Ventura County, and Western Mojave Desert. Updates also include enhanced enforcement activities as contingency measures for these areas and two additional areas -- San Diego County and Western Nevada County. If adopted, these updates will be submitted to U.S. EPA as a revision to the California State Implementation Plan.

18-8-3: Public Hearing to Consider Proposed California Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles for 2019 and Subsequent Model Years

The Board will consider adopting the proposed California Regulation and Certification Procedures for Light-Duty Engine Packages for Use In New Light-Duty Specially-Produced Motor Vehicles for 2019 And Subsequent Model Years. California Air Resources Board staff is proposing regulations and certification procedures for manufacturers of light-duty engine packages for use in new light-duty specially constructed vehicles which resemble heritage vehicles originally produced at least 25 years ago.

18-8-8: Public Meeting to Inform the Board of the California Air Resources Board Tribal Consultation Policy

The Board will hear an informational item on the California Air Resources Board Tribal Consultation Policy. The California Air Resources Board is implementing a Tribal Consultation Policy to ensure it engages in effective government-to-government consultations with tribes to further its mission and to implement Executive Order B-10-11.

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 Air Resources Board v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

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

POET, LLC, et al. v. California Air Resources Board, et al., Fresno County Superior Court, 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., Fresno County Superior Court, 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; Orange County Superior Court, Case No. 30-2018-00970852-CU-IP-CXC.

State of California, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1114.

State of California, et al. v. United States Bureau of Land Management, et al., U.S. District Court, Northern District of California Circuit, Case No. 3:17-cv-07186-WHO.

State of New York, et al. v. United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

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.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

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.

Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al., Court of Appeal, First Appellate District, Case No. A151004.

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.

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.

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).

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., San Luis Obispo County Superior Court, Case No. 17CV-0576; U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

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 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.