

BOARD MEETING DATE: July 12, 2019

AGENDA NO. 25

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on June 27, 2019. The following is a summary of the meeting.

RECOMMENDED ACTION:

Receive and file.

Judith Mitchell, Member
South Coast AQMD Governing Board

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The California Air Resources Board (CARB or Board) held a meeting on June 27, 2019 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

19-6-1: Public Hearing To Consider Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (Zero-Emission Powertrain Certification Regulation)

The Board adopted the Zero-Emission Powertrain Certification Regulation (ZEP Cert Regulation) which will establish a new optional certification pathway for model year 2021 and subsequent years on-road heavy-duty electric and fuel-cell vehicles and the zero-emission powertrains they use. The ZEP Cert Regulation provides greater transparency, consistency, and stability to the market and ensures information regarding heavy-duty electric and fuel-cell vehicles and their powertrains are effectively and consistently communicated to purchasers. The ZEP Cert Regulation establishes minimum warranty requirements for zero-emission powertrains and increases the general reparability of the zero-emission technology. The ZEP Cert Regulation will support California's other zero-emission measures and instill greater confidence in fleets purchasing these vehicles, thereby increasing market acceptance.

19-6-2: Public Hearing to Consider the Proposed Zero-Emission Airport Shuttle Regulation

The Board adopted the Zero-Emission Airport Shuttle Regulation (Shuttle Regulation). The Shuttle Regulation will transition combustion powered vehicles that serve California's commercial airports to zero-emission vehicles (ZEVs). Specifically, the Shuttle Regulation requires fixed route airport shuttles serving California's 13 largest airports to transition to 100 percent ZEVs by 2035. The Shuttle Regulation applies to public and private fleets, including operators of parking facilities, rental car agencies, and hotels. For 2026 and later model years, heavy-duty ZEV airport shuttles will be required to certify to the Enhanced Zero-Emission Powertrain Certification requirements. The In-Use Fleet composition requirements mandate that at least 33 percent of the fleet are ZEVs by December 31, 2027, at least 66 percent of the fleet must be ZEVs by December 31, 2031, and 100 percent by December 31, 2035. The Shuttle Regulation will contribute to meeting California's air quality and climate change goals by increasing the use of ZEVs in the medium- and heavy-duty on-road sectors while providing a bridge toward zero-emission pathways in other sectors.

19-6-3: Public Hearing to Consider Proposed Electric Vehicle Supply Equipment Standards

The Board adopted the Electric Vehicle Supply Equipment Standards Regulation (EVSE Regulation) in response to Senate Bill 454 (SB454) – the Electric Vehicle Charging Stations Open Access Act. The EVSE Regulation establishes standardized EVSE requirements that will build driver confidence that they can access the electric fueling infrastructure. Specifically, the EVSE Regulation will: (1) enable drivers to more readily locate public EVSE, (2) provide drivers charging session pricing before use, (3) provide drivers convenient and simple payment methods for charging sessions, (4) standardize power information at each EVSE, (5) facilitate electric vehicle service providers roaming agreements, and (6) ensure up-to-date station location data are available to the public. The EVSE Regulation will support California's goal to increase accessibility to ZEVs for all Californians.

19-6-4: Public Meeting to Hear the 2018 Annual Enforcement Report

The Board heard a summary of the Enforcement Division's 2018 Annual Report. The report included 2018 highlights on enforcement of defeat devices and fuels, updates to the streamlined truck and bus enforcement process, and improvements to supplemental environmental projects. CARB staff informed the Board on the compliance of key CARB programs and described enforcement activities focused in disadvantaged communities. Finally, the Board heard an update on current enforcement programs and future goals of the Enforcement Division.

Attachment

CARB June 27, 2019 Meeting Agenda



PUBLIC MEETING AGENDA

**Thursday,
June 27, 2019**

[Webcast](#)

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
June 27, 2019
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Items

- 19-6-1: Public Hearing To Consider Proposed Alternative Certification Requirements and Test Procedures for Heavy-Duty Electric and Fuel-Cell Vehicles and Proposed Standards and Test Procedures for Zero-Emission Powertrains (Zero-Emission Powertrain Certification Regulation)**

The California Air Resources Board (CARB or Board) will consider adoption of the proposed Zero-Emission Powertrain Certification Regulation, which would establish a new optional certification pathway for heavy-duty electric and fuel-cell vehicles and the zero-emission powertrains they use. The proposal would provide additional market transparency and help ensure effective in-use support for such vehicles and powertrains. This is the second of two Board hearings on this item; the Board will consider certifying the Final Environmental Analysis, approving written response to any environmental comments received, approving findings and statement of overriding considerations, and adopting the regulation at this meeting.

[More Information](#)

[Staff Presentation](#)

- 19-6-2: Public Hearing to Consider the Proposed Zero-Emission Airport Shuttle Regulation**

The Board will consider adoption of the proposed Zero-Emission Airport Shuttle Regulation. The proposed regulation will transition combustion powered airport shuttles to zero-emission vehicles and will apply to private and public fixed destination shuttles that serve California's commercial airports. 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 any environmental comments received, approving findings and statement of overriding considerations, and adopting the regulation at this meeting.

[More Information](#)

[Staff Presentation](#)

19-6-3: Public Meeting to Consider Proposed Electric Vehicle Supply Equipment Standards

The Board will consider the proposed regulation in response to Senate Bill 454 (Corbett, Ch. 418, Stat. 2013) which establishes standardized Electric Vehicle Supply Equipment access for drivers that will build driver confidence in charging infrastructure. The proposed regulation will also support zero emission vehicle adoption in California.

[More Information](#)

[Staff Presentation](#)

19-6-4: Public Meeting to Hear the 2018 Annual Enforcement Report

The Board will hear a summary of the Enforcement Division's 2018 Annual Report. This will include 2018 highlights on enforcement of defeat devices and fuels, updates to the streamlined truck and bus enforcement process, and improvements to supplemental environmental projects. Staff will assess compliance in key programs and describe our enforcement focus in disadvantaged communities. Finally, staff will present updates to enforcement programs and provide a look into the future.

[More Information](#)

[Staff Presentation](#)

CLOSED SESSION

The Board may 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 Fuel 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; Plaintiffs' petitions for certiorari in United States Supreme Court, Case No. 18-881.

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

Mexichem Fluor, Inc. v. U.S. EPA, (D.C. Cir. 2017) 866 F. 3d 451 (U.S. Court of Appeals, District of Columbia Circuit, Case Nos. 15-1328 and 15-1329).

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.

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. ; Plaintiffs' petitions for certiorari in United States Supreme Court, Case No. 13-1149.

Sowinski v. California Air Resources Board, et al., United States District Court for the Central District of California, No. 8:15-cv-02123.

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 Environmental Protection Agency (United States District Court, Northern District of California, Case No. 4:18-cv-03237)

State of California, et al. v. Ryan Zinke, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR

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 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 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.

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.

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.

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.

John R. Lawson Rock & Oil, Inc. v. California Air Resources Board, and Richard Corey, Superior Court of California, County of Fresno, Central Division, Case No. 19CEGG00331.

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

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.

Air Resources Board v. Key Disposal, Inc. and John Katangian, Los Angeles Superior Court, Case No. BC650014.

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

Air Resources Board v. Fiat Chrysler Automobiles N.V. and FCA US LLC, U.S. District Court, Northern District of California, Case No. 3:17-md-02777-EMC, 3:17-cv-3446-EMC, 3:19-cv-00151-EMC.

People v. Walgreens Co., Sacramento County, Case No. 34-2018-00244759.
In re Pacific Gas and Electric Company, U.S. Bankruptcy Court, Northern District of California, Case No. 19-30089.

California Air Resources Board vs. Cascade Sierra, Sacramento Superior Court, Case No. 34-2017-00223510.

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.

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

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

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.