

BOARD MEETING DATE: June 7, 2019

AGENDA NO. 26

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on April 25, 2019 and May 23, 2019. The following are summaries of the meetings.

RECOMMENDED ACTION:
Receive and file.

Judith Mitchell, Member
South Coast AQMD Governing Board

dg

The California Air Resources Board (CARB or Board) held a meeting on April 25, 2019 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

19-4-1: Public Hearing to Consider Proposed Amendments to the Red Sticker Program for Off-Highway Recreational Vehicles

The Board approved amendments to the Red Sticker Program for Off-Highway Recreation Vehicles (OHRV), originally adopted by the Board in 1999. OHRV are primarily used in public State parks and federally designated lands, as well as on private tracks. The amendments will end the current Red Sticker Program that has allowed for seasonal use of OHRV that do not meet emissions standards. In place of the Red Sticker Program, the amendments include provisions that end the certification of new Red Sticker vehicles, end riding restrictions on public lands for existing Red Sticker vehicles, establish new OHRV emissions standards and increase incentives for fleet emissions averaging and zero emission OHRV. The amendment to the Red Sticker Program will reduce emissions from OHRV in California starting in 2022 while ensuring availability for California dealers and riders.

19-4-2: Public Hearing to Consider Proposed Amendments to the Regulation for the Certification of Vapor Recovery Systems for Cargo Tanks

The Board approved amendments to the Certification of Vapor Recovery Systems on Cargo Tanks Regulation (Cargo Tank Amendments). In order to ensure that the vapor recovery equipment on cargo tanks is properly functioning, each cargo tank operating in California is annually tested and certified. The annual certification fee was established at \$20.00 in 1996 and has not been changed despite significant increases in program costs over the last 23 years. The Cargo Tank Amendments establish a regulatory mechanism to periodically evaluate program costs and subsequently adjust the certification fee to recover these costs. In addition, the amendments require the Executive Officer to hold a public meeting prior to revising the fee, set the cost of replacement decals, and provide administrative requirements for refund requests. Appropriate funding of the Cargo Tank Vapor Recovery Program will ensure that the emission reductions expected from the existing regulation are achieved.

19-4-3: Public Meeting to Hear an Informational Update to the Board on International Engagement

The Board heard an informational update on CARB's 2018 climate and air quality collaborations with foreign jurisdictions, and on CARB's priorities for international engagement for 2019. CARB has been involved with many international bodies in relation to air pollution and climate change for many decades. California's programs related to air quality standards and vehicle technology have formed the basis of programs around the world. As the planning agency for California's climate agenda, CARB has built expertise in the monitoring, modeling and regulation of greenhouse gasses. The Board heard how CARB has shared this expertise with jurisdictions through bilateral and multilateral agreements, while also learning about effective tools and policies from our partners around the world.

The California Air Resources Board (CARB or Board) held a meeting on May 23, 2019 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

19-5-1: Public Hearing to Consider Proposed Amendments to the California Air Resources Board's Certified Regulatory Program in the California Code of Regulations, Title 17, Sections 60000-60007

The Board approved amendments updating the procedures set forth in California Code of Regulations, title 17, sections 60000 through 60007. These sections, in part,

constitute CARB's "certified regulatory program" under Public Resources Code section 21080.5. The certified regulatory program is considered to be a CEQA equivalent process. The approved amendments to the certified regulatory program will further specify notice and comment requirements, exemptions, definitions, and the procedures that apply to different types of CARB environmental review. These changes will bring greater efficiency, transparency, and certainty to CARB's planning and rulemaking processes by creating a more uniform and clear environmental review process.

19-5-2: Public Meeting to Consider Proposed Updates to the Architectural Coatings Suggested Control Measure

The Board approved updates to the Suggested Control Measure (SCM) for Architectural Coatings. In California, the use of architectural coatings results in approximately 30 tons per day of VOC emissions. These emissions contribute to the formation of ozone and particulate matter air pollution. Under California law, the primary authority for controlling emissions from architectural coatings rests with the local air districts. To assist the air districts with developing rules to reduce emissions, CARB often provides model rules such as the SCM for Architectural Coatings. The amended SCM for Architectural Coatings will lower VOC limits for 10 of the 45 architectural coating categories, and reduce VOC emissions by 2.5 tons per day statewide.

19-5-4: Public Meeting to Consider Community Air Protection Incentives 2019 Guidelines

The Board approved the Community Air Protection Incentives 2019 Guidelines (CAP Guidelines). The CAP Guidelines addresses legislative direction of Senate Bill (SB) 856 to expand project source categories and to ensure transparency when meeting the goals of the Community Air Protection Program. The CAP Guidelines also codify guiding principles to inform air districts and other interested parties about the use of CAP incentives and establish guidance for two new high priority categories. The first project category utilizes stationary source funding authority to incentivize control technologies to reduce hexavalent chromium emissions at chrome plating facilities. The second project category provides funding authority for community-identified projects, including a suite of project types for schools that may be used by air districts seeking to maximize air quality benefits to protect sensitive receptors. The design of the CAP Guidelines will allow for these new categories to serve as models for future stationary source and community-identified project categories. In addition, the Board delegated authority to the Executive Officer to modify the CAP Guidelines, including modifications to existing project categories and the addition of new categories as needed. This authority allows for continued progress in bringing immediate air quality benefits to impacted communities and will ensure that newly identified concerns can be addressed in a timely manner.

19-5-5: Public Meeting to Hear an Informational Update on Active Transportation: Designing Communities for Health

The Board heard an informational update on active transportation. Active transportation is any form of transportation that uses physical activity, such as walking and biking. Active transportation decreases reliance on motor vehicles for transportation, which supports CARB's efforts to reduce vehicle miles traveled and help California meet its greenhouse gas reduction goals. These alternative modes of transportation have a positive impact on public health by increasing physical activity and reducing the emissions that cause air pollution. Active transportation is an important component of several laws and regulations implemented by CARB, such as SB 375, SB 350, and the Clean Miles Standard. The Board heard that local action is key to advance active transportation and CARB staff presented an update on the CARB policies and programs available to assist local decision makers to move communities towards sustainable and healthy community designs.

Attachments

CARB April 25, 2019 and May 23, 2019 Meeting Agendas



PUBLIC MEETING AGENDA

**Thursday,
April 25, 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.sacrt.com>

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TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:

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**Thursday
April 25, 2019
9:00 a.m.**

DISCUSSION ITEMS:

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19-4-1: Public Hearing to Consider Proposed Amendments to the Red Sticker Program for Off-Highway Recreational Vehicles

The California Air Resources Board (CARB or Board) will consider amendments to the Red Sticker Program for Off-Highway Recreation Vehicles (OHRV). OHRV are primarily used in public state parks and federally designated lands, as well as on private tracks. The goal of the proposed amendments is to end the current red sticker program which allows for CARB certification of OHRV that do not meet emissions standards. The amendments include provisions that end the certification of new red sticker vehicles, end riding restrictions on public lands for existing red sticker vehicles, establish new OHRV emissions standards, and increase incentives for fleet emissions averaging and zero emission OHRV. The proposed amendments are intended to cause emissions reductions from OHRV in California while ensuring availability for California dealers and riders.

[More Information](#)

[Staff Presentation](#)

19-4-2: Public Hearing to Consider Proposed Amendments to the Regulation for the Certification of Vapor Recovery Systems for Cargo Tanks

The Board will consider the proposed amendments to the Certification of Vapor Recovery Systems on Cargo Tanks Regulation that establish a regulatory mechanism to periodically evaluate program costs and subsequently adjust the certification fee to recover these costs, per the authority under the Health and Safety Code section 41962. In addition, the proposed amendments will establish: (1) a requirement for a public meeting prior to adjusting fees, (2) an effective date of January 1 following a fee revision, (3) the cost of replacement decals, and (4) procedures to request a certification fee refund.

[More Information](#)

[Staff Presentation](#)

19-4-3: Public Meeting to Hear an Informational Update to the Board on International Engagement

The Board will hear an update on CARB's 2018 climate and air quality collaborations with foreign jurisdictions and priorities for international engagement for 2019.

[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.

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

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).

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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.

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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.

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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.

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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.

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.

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OPPORTUNITY FOR MEMBERS OF THE BOARD TO COMMENT ON MATTERS OF INTEREST

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OPEN SESSION TO PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD ON SUBJECT MATTERS WITHIN THE JURISDICTION OF THE BOARD

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

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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

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- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

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PUBLIC MEETING AGENDA

**Thursday,
May 23, 2019**

[Webcast](#)

LOCATION:

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

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**Thursday
May 23, 2019
9:00 a.m.**

DISCUSSION ITEMS:

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Agenda Items #

- 19-5-1: Public Hearing to Consider Proposed Amendments to the California Air Resources Board's Certified Regulatory Program in the California Code of Regulations, Title 17, Sections 60000-60007**

The California Air Resources Board (CARB or Board) will consider proposed amendments to CARB's Certified Regulatory Program in the California Code of Regulations, Title 17, Sections 60000 - 60007. The objectives of the proposed amendments are to more fully set forth the procedures CARB follows to align CARB's procedures with established California Environmental Quality Act principles as appropriate, to harmonize the regulation to the statutory requirements, to eliminate regulatory ambiguity, to add greater specificity to CARB's environmental review process, and to update reference citations.

[More Information](#)

[Staff Presentation](#)

- 19-5-2: Public Meeting to Consider Proposed Updates to the Architectural Coatings Suggested Control Measure**

The Board will consider proposed updates to the Suggested Control Measure (SCM) for Architectural Coatings. The proposed updates to the SCM would reduce volatile organic compound (VOC) limits for several coating categories, create two new coatings categories, and set limits for colorants (tints) added to architectural coatings at the point of sale. The updated SCM would serve as a model rule and assist air districts in their efforts to further reduce VOC emissions to meet ambient air quality standards for ozone.

[More Information](#)

[Staff Presentation](#)

19-5-4: Public Meeting to Consider Proposed Community Air Protection Funds 2019 Guidelines

Spanish translation will be provided at the Board Meeting for this item, Item 19-5-4.

The Board will consider approving the proposed Community Air Protection Incentive Funds 2019 Guidelines (Guidelines). These Guidelines would provide the framework for local Air Pollution Control and Air Quality Management Districts to implement new stationary source incentives in support of Assembly Bill 617, as well as community-identified projects. The proposed Guidelines also include two new project categories: incentives for the installation of emissions control technologies at hexavalent chrome plating facilities and a facility-wide measure for schools.

[More Information](#)

[Staff Presentation](#)

19-5-5: Public Meeting to Hear an Informational Update on Active Transportation: Designing Communities for Health

The Board will hear how community designs that promote active transportation (biking and walking) and transit can result in multiple health benefits for Californians. Replacing short trips taken by cars with active transportation represents a double win: improving health and reducing greenhouse gas emissions. The Board will also learn about the tools and studies funded by CARB to better understand and quantify the health benefits from active transportation.

[More Information](#)

[Staff Presentation](#)

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