

BOARD MEETING DATE: August 6, 2021

AGENDA NO. 24

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held meetings on June 24, 2021, July 22, 2021 and July 29, 2021. The following are summaries of the meetings.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Board

ft

The California Air Resources Board (CARB or Board) held a meeting remotely on June 24, 2021 via a web-based videoconferencing service. The key items presented are summarized below.

DISCUSSION ITEMS

21-5-1: Public Meeting to Consider the Proposed South Coast PM10 Maintenance Plan State Implementation Plan Revision

The Board adopted the South Coast Air Basin (South Coast) second PM10 Maintenance Plan (2021 PM10 Plan) and the associated motor vehicle emission budgets as a revision to the California State Implementation Plan (SIP). The South Coast met the federal PM10 national ambient air quality standard (PM10 standard) in 2007 and CARB submitted the first PM10 maintenance plan to the United States Environmental Protection Agency (U.S. EPA) in 2010 demonstrating the South Coast will maintain the PM10 standard for at least 10 years. In 2013, U.S. EPA designated the South Coast attainment of the PM10 standard. The federal Clean Air Act requires a second maintenance plan for the PM10 standard be submitted within eight years of designation to attainment demonstrating that the area will maintain attainment of the PM10 standard for an additional 10 years. The 2021 PM10 Plan demonstrates that the South Coast will

continue to attain the PM10 standard through 2035. CARB will submit the 2021 PM10 Plan to U.S. EPA for inclusion in the California SIP.

21-5-2: Public Meeting to Consider Electrify America's Cycle 3 Zero Emission Vehicles Investment Plan

The Board approved Electrify America's Draft Cycle 3 Zero Emission Vehicle (ZEV) Investment Plan (ZEV Investment Commitment) submitted under Appendix C of the 2.0-liter Partial Consent Decree (Appendix C). Appendix C is one component of Volkswagen's (VW) settlement agreement with CARB resulting from VW's use of illegal defeat devices in 2.0- and 3.0-liter diesel engines and requires VW to invest \$800 million in California over four consecutive 30-month periods to foster the increased availability and use of ZEVs in the State. These investments will support ZEV adoption and raise ZEV awareness in California through infrastructure projects, public awareness campaigns, and programs to promote access to ZEVs. Electrify America, the subsidiary established by VW to implement the ZEV Investment Commitment, developed its proposed Cycle 3 ZEV Investment Plan. The Cycle 3 ZEV Investment Plan sets out spending in the third 30-month cycle, in the amount of \$200 million. The Cycle 3 ZEV Investment Plan, in part, will provide: 1) \$70-100 million for metropolitan areas in and surrounding Bakersfield, Fresno, Los Angeles-Long Beach-Anaheim, Oxnard, Thousand Oaks-Ventura, Riverside-San Bernardino, San Diego-Carlsbad, San Francisco-Oakland-Hayward, San Jose-Sunnyvale, Santa Clara, Santa Maria-Santa Barbara, Stockton, and Visalia, 2) \$28 million for ZEV Education, Awareness, Access, and Outreach, and 3) \$25 million for Electrify America's second Green City in Long Beach/Wilmington, focusing on ZEV technologies supporting transit and heavy-duty operations.

21-5-3: Public Meeting to Hear the 2020 Annual Enforcement Report

The Board heard an overview of the Enforcement Division's 2020 Annual Enforcement Report highlighting enforcement programs, activities, and achievements. The 2020 Annual Enforcement Report describes CARB's enforcement efforts to address environmental justice, describes how we adapted to COVID-19, highlights key successes in 2020, and provides comprehensive statistics demonstrating our enforcement work. In 2020, CARB achieved a 98 percent compliance rate with California registered trucks and buses – an increase from 66 percent in 2016. CARB staff inspected more than 13,000 vehicles and marine vessels, with 74 percent of them in disadvantaged communities, and CARB directed almost \$7 million to supplemental environmental projects that provide high efficiency air filtration to students in schools and other benefits to disadvantaged communities. In addition, CARB resolved a landmark case with Mercedes Benz for using defeat devices in its cars, resulting in more than \$1 billion in penalties and mitigation nationally, with \$285 million going to California. In 2020 CARB settled 959 cases and citations for more than \$22 million.

21-5-4: Public Meeting to Hear an Informational Update on the 2022 Scoping Plan Process

The Board heard an informational update on the 2022 Scoping Plan. The update focused on the process to develop the plan and the structural pieces required to be included by statute. The 2022 Scoping Plan will assess progress towards achieving the Senate Bill 32 (SB32) 2030 target of 40 percent greenhouse gas (GHG) reductions from 1990 levels by 2030 and lay out a path for California to become carbon neutral by 2045. The scoping plan is mandated by AB 32 and required to be updated at least once every 5 years. The first plan was adopted by the Board in 2008. To assist CARB in its efforts to advance environmental justice, Assembly Bill (AB) 32 mandates that CARB work with the Environmental Justice Advisory Committee (EJAC) in developing the Scoping Plan. CARB will consult with the EJAC throughout the development of the 2022 Scoping Plan Update to ensure that environmental justice principles and actions are incorporated into the 2022 Scoping Plan Update. In the Board update, CARB staff provided details on the types of technical analyses to be developed, the timeline for the update, and key areas where the staff would like to engage with the EJAC and other stakeholders. The Board will consider adoption of the 2022 Scoping Plan in late 2022.

21-5-5: Public Meeting to Hear an Informational Update on the Assembly Bill 617 Technology Clearinghouse

The Board heard an informational update on the status and progress of implementation for the Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017) Technology Clearinghouse. An essential underpinning of AB 617 is the understanding that community members are active partners with CARB and California's 35 air districts in envisioning, communicating, developing, and implementing actions to clean up the air in their communities. To help achieve these goals, AB 617 requires CARB to establish and maintain a statewide Technology Clearinghouse to provide access to information on criteria air pollutant and toxic air contaminant emissions limits for use in identifying opportunities to reduce emissions in communities throughout California. The Technology Clearinghouse will bring together existing policy, emissions limits, and control technology from California's 35 air districts and CARB programs, along with information on cleaner-than-currently required technologies.

The California Air Resources Board (CARB or Board) held a meeting remotely on July 22, 2021 via a web-based videoconferencing service. The key item presented is summarized below.

DISCUSSION ITEM

21-6-1: Public Hearing to Consider Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines

The Board approved amendments to the On-Board Diagnostic (OBD) System Requirements and associated enforcement provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines and Heavy-Duty Engines. Staff identified necessary modifications to the regulations needed to provide improved emission control system monitoring and to address industry implementation concerns for future model year vehicles and engines. The amendments incorporate Unified Diagnostic Services (UDS) features to improve and expand data to be stored by the OBD systems, revise the cold start emission reduction strategy monitoring requirements, and add details to the data required to be submitted for diesel catalyst/adsorber and oxides of nitrogen sensor monitoring. The revisions also address issues regarding the particulate matter filter monitoring requirements and modify requirements to address manufacturer implementation issues. Finally, staff is proposing to update the associated OBD II and HD OBD enforcement regulations to align with the proposed changes to the OBD II and HD OBD regulations.

The California Air Resources Board (CARB or Board) held a meeting remotely on July 29, 2021 via a web-based videoconferencing service. The key item presented is summarized below.

DISCUSSION ITEM

21-7-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Community Emissions Reduction Program for Stockton

The Board adopted the Stockton Community Emissions Reduction Program (CERP) and encouraged the San Joaquin Valley Air Pollution Control District (District) to work with the community steering committee to determine allocation of the \$5 million within the Stockton Community. This action will result in continued work to define and implement strategies to reduce exposure to air pollution in the Stockton community. The District will provide annual progress reports that include updates on the

recommended actions (e.g., incentives to reduce exposure outdoors from vehicles and residential wood burning, indoor air quality, and efforts to better monitor industrial sources).

Attachments

CARB June 24, 2021, July 22, 2021 and July 29, 2021 Meeting Agendas



Public Meeting Agenda

Thursday, June 24, 2021

In accordance with Governor Newsom's Executive Order [N-08-21](#), the June 24, 2021, Board Meeting will not have a physical location to attend in person. This will be a remote-only meeting.

The Board Meeting will be conducted remotely via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

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[How to Participate in the Remote Board Meeting](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 24 de junio de 2021](#)

Spanish interpretation will be provided for the June Board Meeting.

Thursday, June 24, 2021 @ 9:00 a.m.

Discussion Items:

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

21-5-1: Public Meeting to Consider the Proposed South Coast PM10 Maintenance Plan State Implementation Plan Revision

The Board will consider approval of the Proposed PM10 Maintenance Plan for the South Coast Air Basin (2021 PM10 Plan). As is required by the federal Clean Air Act, the South Coast Air Quality Management District developed a second ten-year maintenance plan of the

federal PM10 standard, to be submitted within eight years of the approval of the first ten-year maintenance plan. The second maintenance plan meets this requirement and demonstrates that the District will continue to maintain the PM10 standard through 2035. If approved, the 2021 PM10 Plan will be submitted to the United States Environmental Protection Agency as a revision to California's State Implementation Plan.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Errata to the Staff Report \(issued May 21, 2021\)](#)
- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-2: Public Meeting to Consider Electrify America's Cycle 3 Zero Emission Vehicles Investment Plan

The Board will hear a staff assessment of Electrify America's Cycle 3 Zero Emission Vehicles Investment Plan and decide whether to approve or disapprove it, in whole or in part. Staff's presentation will also provide an update on Electrify America's 2020 Annual Report.

- [More Information](#)
- [Item Summary](#)
- [Staff Plan Analysis](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-3: Public Meeting to Hear the 2020 Annual Enforcement Report

The Board will receive an update on the Enforcement Division's 2020 Annual Enforcement Report that highlights enforcement programs, activities, and achievements.

- [More Information](#)
- [Enforcement Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-4: Public Meeting to Hear an Informational Update on the 2022 Scoping Plan Process

The Board will hear an informational update on the structure, development process, and timeline for the 2022 Scoping Plan Update.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)

- [Submit Written Comments](#)
- [View Public Comments](#)

21-5-5: Public Meeting to Hear an Informational Update on the Assembly Bill 617 Technology Clearinghouse

The Board will hear an informational update from CARB staff on the status of implementation for the Assembly Bill 617 Technology Clearinghouse.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
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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:

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.

American Lung Association, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1140.

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

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.

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

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 R. Lawson Rock & Oil, Inc. et al., v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 19CEGG00331.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

State of California, et al. v. David Bernhardt, et al., United States District Court, Northern District of California, Case No. 3:18-cv-5712-DMR; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District Court of Columbia Circuit, Case No. 19-1227

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-HSG.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of New York et al. v. United States Environmental Protection Agency, United States District Court for the Southern District of New York, Case No. 1:21-cv-00462.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

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

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 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 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; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

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.

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

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

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

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

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Other Information

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If you have any questions, please contact the Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814

cotb@arb.ca.gov or (916) 322-5594

CARB Homepage: www.arb.ca.gov

Special Accommodation Request

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- Documents made available in an alternate format or another language;
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Acomodación Especial

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 contacte la oficina del Consejo al (916) 322-5594 o por correo electronico al cotb@arb.ca.gov 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, July 22, 2021

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Thursday, July 22, 2021 @ 9:00 a.m.

Discussion Item:

21-6-1: Public Hearing to Consider Proposed Revisions to the On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, Medium-Duty Vehicles and Engines, and Heavy-Duty Engines

The Board will consider amendments to the light-duty, medium-duty, and heavy-duty on-board diagnostic (OBD) system regulations to require more data to be stored by the OBD systems, address issues regarding several malfunction monitors, and address manufacturers' implementation concerns.

- [More Information](#)
- [Public Meeting Notice](#)

- [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
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Public Meeting Agenda

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Phone Number: (669) 900-6833
Webinar ID: 843 7998 7828

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by the California Air Resources Board (CARB or Board) during normal Board Meetings. If you do not wish to provide verbal comments, we strongly recommend watching the webcast as this will free up space on the webinar for those who are providing verbal comments.

[Webcast](#) – for those who only plan to observe the hearing.

**[How to Participate in the Remote Board Meeting](#)
[Como Participar en la Reunión del Consejo a Distancia](#)**

[Agenda de la Reunión del Consejo del 29 de julio de 2021](#)

Spanish interpretation will be provided for the July 29 Board Meeting.

Thursday, July 29, 2021 @ 4:00 p.m.

Discussion Item:

21-7-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Community Emissions Reduction Program for Stockton

The community emissions reduction program was developed through a partnership between the San Joaquin Valley Air Pollution Control District and the Stockton Community Steering Committee. The Board will consider the Stockton Community Emissions Reduction Program as required by Assembly Bill 617, and will also consider adopting a California Environmental Quality Act exemption as part of its action.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

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. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

Other Information

[Submit Comments Electronically the Day of the Board Meeting](#)

[View Submitted Comments](#)

Please Note: PowerPoint presentations to be displayed during public comment at the Board meeting must be electronically submitted via email to the Clerks' Office 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 Clerks' Office:

1001 I Street, 23rd Floor, Sacramento, California 95814

cotb@arb.ca.gov or (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 Clerks' Office at cotb@arb.ca.gov or at (916) 322-5594 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.

Acomodación Especial

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 contacte la oficina del Consejo al (916) 322-5594 o por correo electrónico al cotb@arb.ca.gov 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.