

BOARD MEETING DATE: January 8, 2021

AGENDA NO. 23

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on December 10, 2020. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Judith Mitchell, Member
South Coast AQMD Governing Board

FT

The California Air Resources Board (CARB or Board) held a meeting remotely on December 10, 2020 via a web-based videoconferencing service. Key items presented are summarized below.

DISCUSSION ITEMS

20-13-3: Public Hearing to Consider Proposed Amendments to the Enhanced Vapor Recovery Regulations

The Board adopted amendments to the certification and test procedures for enhanced vapor recovery systems at gasoline dispensing facilities. The amendments update the requirements for in-station diagnostics systems (ISD). The ISD activate alarms for potential vapor recovery system malfunctions to ensure prompt repair. These amendments will improve cost-effectiveness, preserve emission reductions, and clarify the procedures for better regulatory certainty and enforceability.

20-13-4: Public Hearing to Consider Proposed Amendments to the Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses Regulation

The Board adopted amendments to the “*Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses Regulation*” (HFC Regulation). Hydrofluorocarbons (HFCs) are short-lived climate pollutants with a much greater effect on the climate than carbon dioxide in the near-term. The HFC Regulation amendments include new prohibitions on high-global warming potential HFCs used in stationary refrigeration systems and new air conditioning equipment and will reduce HFC emissions as mandated by Senate Bill 1383 which requires a 40 percent reduction in HFC emissions below 2013 levels by 2030.

20-13-6: Public Meeting to Hear an Informational Update on the 2020 Mobile Source Strategy

The Board heard an update on the 2020 Mobile Source Strategy (2020 MSS). In California, mobile sources including cars, trucks, and off-road equipment produce the majority of smog-forming and greenhouse gas emissions, and are a significant source of toxic air contaminants. The 2020 MSS uses an integrated planning approach to determine scenarios for the various on- and off-road mobile sectors that are needed to achieve California's air quality, climate, and community risk reduction goals between now and 2050. The concepts include requiring all in-State sales of on-road vehicles to be zero-emission by 2035, and phase in of zero-emission vehicles and equipment into off-road applications where feasible by 2035 consistent with Governor Newsom’s Executive Order N-79-20 and California Senate Bill 44. This was an information item and no formal action was taken. The Board did direct staff to develop additional near terms actions to further reduce emissions of oxides of nitrogen to support attainment of both ozone and particulate matter air quality standards with attainment deadlines in this decade. Staff plan to return to the Board in the spring of 2021 with a draft of the MSS incorporating additional near-term actions.

South Coast AQMD Staff Comments/Testimony: Zorik Pirveysian, Planning and Rules Manager, highlighted the significant challenge in meeting the ozone standards in the Basin and the need to achieve substantial NOx emission reductions from mobile sources. Specific recommendations for CARB’s MSS included: 1) maximizing near-term NOx reductions; 2) defining specific control strategies; 3) identifying funding needs and a funding plan for technology demonstration and deployment; and 4) exploring all possible control approaches for sources subject to federal authority.

20-13-7: Public Meeting to Consider the Proposed Fiscal Year 2020-2021 Funding Plan for Clean Transportation Incentives

The Board adopted the Fiscal Year 2020-21 Funding Plan (Plan) for Clean Transportation Incentives. Funding for the Plan comes from the Air Quality Improvement Program and remaining funding comes from prior fiscal years Low Carbon Transportation Investments funded with Cap-and-Trade auction proceeds. 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 Plan describes CARB's policy drivers and vision for advanced technology mobile source investments, eligible project categories and criteria, project funding allocations, program implementation details, and the justification for these investments.

South Coast AQMD Staff Comments/Testimony: Dr. Matt Miyasato, Chief Technologist provided testimony and requested to keep the near-zero emission natural gas engine in the Hybrid and zero emission Voucher Incentive Program (HVIP) or identify another funding source strategy to help South Coast get to attainment. South Coast AQMD Board Member Judith Mitchell moved to include the engine for one more year and San Joaquin Board Member Dr. Alexander Sherriffs seconded the motion. A vote was taken and the motion failed.

Attachment

CARB December 10, 2020 Meeting Agenda



PUBLIC MEETING AGENDA (REVISED 12/3/2020)

Thursday, December 10, 2020

In accordance with Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#) as well as recommendations from the California Department of Public Health, the December 10, 2020, 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.

[Register for the Webinar](#) – for those who wish to comment verbally at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833
Webinar ID: 854 6767 9980

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by CARB 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](#)

[Agenda de la Reunión del Consejo del 10 de diciembre de 2020](#)

**Thursday
December 10, 2020
9:00 a.m.**

Spanish Interpretation will not be provided for the December Board Meeting. Please contact the [Clerks' Office](#) to request interpretation services.

DISCUSSION ITEMS:

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

Agenda Item #

20-13-3: Public Hearing to Consider Proposed Amendments to the Enhanced Vapor Recovery Regulations

The Board will consider proposed amendments to certification and test procedures for vapor recovery systems at gasoline dispensing facilities. These amendments are necessary to improve cost-effectiveness, preserve emission reductions, and clarify the procedures for better regulatory certainty and enforceability.

[More Information](#) [Presentation](#) [Board Item Materials](#) [Written Comments](#)

20-13-4: Public Hearing to Consider Proposed Amendments to the Prohibitions on Use of Certain Hydrofluorocarbons in Stationary Refrigeration, Chillers, Aerosols-Propellants, and Foam End-Uses Regulation

The Board will consider amending existing hydrofluorocarbon (HFC) regulation to include new prohibitions on high-global warming potential HFCs used in stationary refrigeration systems and new air conditioning equipment. The objective of this rulemaking is to reduce HFC emissions as mandated by Senate Bill 1383 to meet the 2030 HFC reduction target for California.

[More Information](#) [Presentation](#) [Board Item Materials](#) [Written Comments](#)

20-13-6: Public Meeting to Hear an Informational Update on the 2020 Mobile Source Strategy

The Board will hear a verbal update on the 2020 Mobile Source Strategy. The 2020 Mobile Source Strategy takes an integrated, scenario planning approach to determine the pathways forward for the various mobile sectors that are necessary in order to achieve all of California's air quality, climate, and community risk reduction targets. The 2020 Mobile Source Strategy outlines the technology trajectories for each sector that will meet the State's goals and identifies a suite of regulatory and programmatic concepts that will move the State in the needed direction. The concepts include requiring all in-State sales of on-road vehicles to be zero-emission by 2035, and phase in of zero-emission vehicles and equipment into off-road applications where feasible by 2035.

[More Information](#) [Presentation](#) [Board Item Materials](#) [Written Comments](#)

20-13-7: Public Meeting to Consider the Proposed Fiscal Year 2020-2021 Funding Plan for Clean Transportation Incentives

The Board will consider the Proposed Fiscal Year 2020-21 Funding Plan for Clean Transportation Incentives. The plan describes proposed investments from two related funding sources: the Air Quality Improvement Program and Low Carbon Transportation Investments funded with Cap-and-Trade auction proceeds. 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. This year's plan does not include new allocations for Low Carbon Transportation Investments; however, it includes adjustments to various project categories that currently have funding available from prior fiscal years. Staff is also proposing that the Board grant the Executive Officer authority to make adjustments and allocate additional funding to first-come, first-served projects should additional funding become available.

[More Information](#) [Presentation](#) [Board Item Materials](#) [Written Comments](#)

20-13-5: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Selection of 2020 Communities

THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.

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 v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1167.

California Air Resources Board v. United States Environmental Protection Agency and National Highway Traffic and Safety Administration, United States District Court, District of Columbia, Case No. 1:20-cv-01293-TJK.

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.

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.

Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al., Sacramento County Superior Court, Case No. 34-2020-80003442.

In re Pacific Gas and Electric Company, U.S. Bankruptcy Court, Northern District of California, Case No. 19-30089.

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.

Sowinski v. California Air Resources Board et al., United States District Court for the Northern District of California, No. 3:18-cv-03979-LHK.

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 v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1167.

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. Chao, et al., United States District Court, District of Columbia, Case No. 1:19-cv-02826.

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.

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.

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.

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.

United States v. California, United States District Court, Eastern District of California, Case No. 2:19-cv-02142-WBS-EFB.

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

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

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.

[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.

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.