

BOARD MEETING DATE: March 3, 2023

AGENDA NO. 22

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a public meeting on February 23, 2023. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

ft

The California Air Resources Board (CARB or Board) held a public meeting on February 23, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key items presented are summarized below.

DISCUSSION ITEMS

23-2-1: Public Meeting to Consider the Western Mojave Desert 70 Parts Per Billion Ozone Attainment Plan

The Board adopted the Western Mojave Desert Nonattainment Area (WMD) 70 parts per billion (ppb) Ozone Attainment Plan (Plan), along with the relevant portions of the accompanying CARB Staff Report. In 2015, the United States Environmental Protection Agency (U.S. EPA) strengthened the 8-hour ozone standard from 75 ppb to a more health-protective level of 70 ppb (70 ppb ozone standard). U.S. EPA designated and classified the WMD as a Severe nonattainment area for the 70 ppb ozone standard. The Plan incorporates the Mojave Desert Federal 70 ppb Ozone Nonattainment Plan for WMD adopted by the Mojave Desert Air Quality Management District and the Antelope Valley Federal 70 ppb Ozone Nonattainment Plan for WMD adopted by the Antelope Valley Air Quality Management District. The Board also adopted the State's 2032 aggregate emission reduction commitment for the WMD. The Plan demonstrates that the WMD will attain the 70-ppb ozone standard by the attainment date. The Board directed CARB staff to submit the Plan to the U.S. EPA for inclusion in the California State Implementation Plan.

23-2-2: Public Meeting to Consider Fifth Annual Community Recommendations and Update the Board on the Annual Assembly Bill 617 Implementation Memorandum

The Board approved the selection of two new communities for the Community Air Protection Program (Program). Assembly Bill 617 (AB 617) requires CARB to annually consider the selection of communities affected by a high cumulative exposure burden for inclusion in the Program. Communities included in the Program will develop Community Emissions Reduction Programs (CERPs) and/or Community Air Monitoring Plans (CAMPs). For 2023, the Board selected the Bayview Hunters Point/Southeast San Francisco community in the Bay Area, which will develop a CERP. The Board also selected the cities of Westmorland, Brawley and Calipatria, located in the northern portion of Imperial County and formally designated as the “North End Phase 1 Community.” This community will develop both a CERP and CAMP. With the addition of these two communities, there are now nineteen communities across California in the Program. The Board also heard an update on the Annual AB 617 Implementation Memorandum. The update covered AB 617 funding, air quality monitoring, CERP strategies, community resources and related tools, along with a discussion on the AB 617 consultation group engagement.

South Coast AQMD Staff Comments/Testimony: Wayne Nastri, Executive Officer, provided an update on South Coast AQMD’s experience in implementing AB 617 CERPs and CAMPs for its six communities and managing the complexities of community expectations. He addressed concerns surrounding the selection of additional AB 617 communities due to funding shortages and noted that the absence of sustainable funding is an impediment to air districts that would like to recommend additional communities for inclusion in the program. He urged CARB’s Board to adopt policies and take actions aimed at ensuring sufficient funding for both AB 617 implementation and incentive programs.

Attachment

CARB February 23, 2023 Meeting Ageda



Public Meeting Agenda

Thursday, February 23, 2023

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

Webcast (Livestream/Watch Only)

Zoom Webinar: [Register Here](#)

Phone Number: (669) 900-6833

Webinar ID: 842 4778 8224

The February 23, 2023, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). 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. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony](#)
- [Remote Public Participation](#)

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair will close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the February 23, Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, February 23, 2023 @ 4:00 p.m.

Discussion Items:

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

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

23-2-1: Public Meeting to Consider the Western Mojave Desert 70 Parts Per Billion Ozone Attainment Plan

The Board will consider adoption of the Western Mojave Desert 70 ppb Ozone Attainment Plan (Plan) including the State's aggregate emission reduction commitment. The Plan demonstrates that the Western Mojave Desert will attain the 70-ppb ozone standard by 2032. If adopted, the Plan will be submitted to U.S. Environmental Protection Agency for inclusion in the California State Implementation Plan.

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

23-2-2: Public Meeting to Consider Fifth Annual Community Recommendations and Update the Board on the Annual Assembly Bill 617 Implementation Memorandum

The Board will consider for selection staff's proposed list of communities for the development of community emission reduction programs and/or community monitoring via the Community Air Protection Program. The Board will also consider adopting a California Environmental Quality Act exemption as part of its action. The Board will also be presented with staff's update on the Annual Assembly Bill 617 Implementation Memorandum.

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

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:

California Air Resources Board v. Best Energy Solutions & Technology Corp.
Los Angeles Superior Court, Case No. 22STCV32487.

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

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250; industry appeal California Court of Appeal, Fifth District, Case No. F084229.

California Trucking Association v. California Air Resources Board, et al. Fresno County Superior Court, Case No. 22CECG00919.

California Trucking Association v. South Coast Air Quality Mgmt. District United States District Court, Central District of California, Case No. 2:21-cv-6341.

Central California Environmental Justice Network, et al. v. Randolph, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01714-TLN-CKD.

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

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., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985; transferred to San Diego County Superior Court, Case No. 37-2021-00023385-CU-TT-CTL.

Natural Resources Defense Council v. National Highway Traffic Safety Admin., et al., United States Court of Appeal, District of Columbia Circuit, Case No. 22-1080, consolidated with Nos. 22-1144, 22-1145.

People ex rel. California Air Resources Board v. Noil Energy Group, Inc. & Speedy Fuel, Inc. Los Angeles Superior Court Case Nos. 20STCV30142/20STCV30292.

People ex rel. California Air Resources Board v. Wholesale Harvest Supply, Inc. Mendocino County Superior Court, Case No. 22CV00491.

State of California v. Andrew Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with other cases.

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

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 for the District of Columbia Circuit, Case No. 21-1024

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

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

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. 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 Ohio, et al., v. Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 22-1081, consolidated with Case Nos. 22-1083, 22-1084, and 22-1085.

State of Texas, et al., v. Environmental Protection Agency, et al. United States Court of Appeals, District of Columbia Circuit, Case No. 22-1031.

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.

The Two Hundred for Homeownership, et al. v. California Air Resources Board, et al. United States District Court, Eastern District of California, Fresno, Case No. 1:22-cv-01474-ADA-BAM.

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, et al., Superior Court of the State of California for the County of Fresno, Case No. 22CECG03603.

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.

The Two Hundred for Homeownership, Robert Apodaca, and Jose Antonio Ramirez v. California Air Resources Board, Steven S. Cliff et al., United States District Court, Eastern District of California, Fresno, Case No. 1:22-at-904.

People v. Southern California Gas Company. (Los Angeles Superior Court, Case No. BC602973).

Setton Pistachio of Terra Bella, Inc. v. California Air Resources Board, et al., Superior Court of California, County of Tulare, Case No. VCU293869.

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 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.