

BOARD MEETING DATE: May 5, 2023

AGENDA NO. 22

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a public meeting on April 27-28, 2023. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

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The California Air Resources Board (CARB or Board) held a public meeting on April 27 and 28, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key items presented are summarized below.

DISCUSSION ITEMS

23-4-1: Public Hearing to Consider Proposed In-Use Locomotive Regulation

The Board adopted the In-Use Locomotive Regulation (Loco Regulation). Locomotives operate throughout California and emit pollutants that are known to cause cancer, increase risk of asthma, heart and lung disease, hospitalizations, and premature death. Disadvantaged communities, more likely to be in close proximity to where locomotives are operated, are significantly impacted by these emissions. Under the Loco Regulation, starting in 2024, locomotive operators would be required to fund their own trust account based on the emissions created by their operations within California. These funds would be used to acquire the cleanest locomotives, and after 2030, only zero-emission locomotives. Starting in 2030, only locomotives less than 23 years old would be able to be used in California. Switch, industrial and passenger locomotives built in 2030 or after will be required to operate with zero emissions while in California. For freight line haul locomotives, this requirement starts in 2035. In addition, the Loco Regulation will limit locomotive idling time to 30-minutes and require periodic assessments on implementation, including progress deploying zero-emission locomotive technologies

and needed infrastructure. The regulation also includes provisions for alternative compliance plans that show emission reductions equivalent to or greater than the regulation, or an alternative fleet milestone option that phases in zero-emission locomotives more quickly. The emission reductions from the Loco Regulation will result in a 90 percent reduction in cancer risk within one mile of locomotive operations and an estimated thirty-two billion dollars in health savings by preventing 3,200 premature deaths and 1,500 emergency room visits and hospitalizations.

South Coast AQMD Staff Comments/Testimony: Staff testified in support of this proposed regulation that will reduce emissions from locomotives. Staff expressed the need for action on locomotives, that the proposed rule would work together with South Coast AQMD’s proposed indirect source rules, and that additional action is needed from the federal government on this source.

23-4-2: Public Hearing to Consider Proposed Advanced Clean Fleets Regulation

The Board adopted the Advanced Clean Fleets Regulation (ACF Regulation) The ACF Regulation will accelerate the widespread adoption of zero-emission vehicles (ZEVs) in the medium- and heavy-duty sector and for light-duty package delivery vehicles. Mobile sources are the greatest contributor to emissions of criteria pollutants and greenhouse gases (GHG) in California. Medium- and heavy-duty vehicles contribute a quarter of the transportation sector’s GHG emissions and a third of the transportation sector’s oxides of nitrogen (NOx) emissions, which constitutes a disproportionately high share of NOx emissions, considering such vehicles represent only six percent of the registered vehicles in the state. The ACF Regulation will require certain fleets to deploy medium- and heavy-duty ZEVs starting in 2024, with complete transition to zero-emission of last mile delivery vehicles and yard trucks by 2035, work trucks and day cab tractors by 2039, and sleeper cab tractors and specialty vehicles by 2042. The ACF Regulation is an integral part of the Board’s comprehensive strategy to achieve emission reductions to attain federal and state ambient air quality standards, address harms resulting from climate change, meet California’s goals to decarbonize the transportation sector, and to protect the public health and welfare.

South Coast AQMD Staff Comments/Testimony: Staff testified in support of this proposed regulation that will reduce emissions from heavy-duty trucks. Staff asked CARB to focus on implementation of the rule, including tracking exemptions that regulated fleets use in the rule if zero-emission trucks aren’t available, or if CARB is unable to install zero-emissions infrastructure on time, as this could potentially result in foregone emission reductions.



Public Meeting Agenda

**Thursday, April 27, 2023, and
Friday, April 28, 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: 829 1800 6127

The April 27-28, 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](#)

The Board will set a two-minute time limit on verbal comments; however, the amount of time could change at the Chair's discretion.

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

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

Spanish interpretation will be available for the April 27 and 28 Board Meeting.

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

Thursday, April 27, 2023 @ 9:00 a.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.

23-4-1: Public Hearing to Consider Proposed In-Use Locomotive Regulation

The Board will consider the Proposed In-Use Locomotive Regulation, which aims to reduce emissions from locomotives operating in California. This is the second of two Board Meetings; the Board will also consider adopting findings and a Statement of Overriding Considerations under the California Environmental Quality Act, and certifying the Final Environmental Impact Analysis.

- [Formal Rulemaking Page](#)
- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

23-4-2: Public Hearing to Consider Proposed Advanced Clean Fleets Regulation*

The Board will consider the proposed Advanced Clean Fleets Regulation, which aims to accelerate the widespread adoption of zero-emission vehicles in the medium- and heavy-duty sector and for light-duty package delivery vehicles. This is the second of two Board Meetings; the Board will also consider adopting findings and a Statement of Overriding Considerations under the California Environmental Quality Act, and certifying the Final Environmental Impact Analysis.

*This item is scheduled to be heard on Thursday, April 27th. Because the length of public testimony cannot be predicted in advance, this item may continue on Friday, April 28th.

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Friday, April 28, 2023 @ 9:00 a.m.

Because the length of public testimony cannot be predicted in advance, the Board Meeting may continue on Friday, April 28th.

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.

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., United States Court of Appeals, 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. 20-1167, consolidated with other cases. *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. 18CECG1494.

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.

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 two 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.