

BOARD MEETING DATE: October 6, 2023

AGENDA NO. 23

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held public meetings on September 14 and September 28, 2023. The following is a summary of the meetings.

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 public meetings on September 14, 2023 and September 28, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key items presented are summarized below.

### **September 14, 2023**

#### **Joint Meeting of the California Air Resources Board and the Assembly Bill 32 Environmental Justice Advisory Committee**

Assembly Bill 32 (AB 32) directed CARB to convene an Environmental Justice Advisory Committee (EJAC) to advise the Board in developing the Scoping Plan and any other pertinent matters related to implementation of AB 32 such as the Low Carbon Fuel Standard (LCFS). The EJAC is comprised of environmental justice and community leaders from throughout the state and plays a critical role in addressing concerns of residents from the state's most pollution burdened communities. The Board and the EJAC heard a CARB staff presentation on LCFS regulation updates and the program's achievements. The Board also heard EJAC recommendations on the LCFS regulation updates.

September 28, 2023

**DISCUSSION ITEM MS**

**23-8-1: Public Meeting to Hear an Update on the Low Carbon Fuel Standard**

The Board heard an update from CARB staff on major concepts under consideration for an upcoming Low Carbon Fuel Standard (LCFS) rulemaking. The LCFS regulation, first adopted in 2009, was developed to reduce the carbon intensity (CI) of transportation fuels used in California, and currently requires a 20% statewide reduction in CI from 2010 levels by 2030. The LCFS program supports the transition away from petroleum fuels by displacing fossil fuels with low-carbon alternatives in legacy internal combustion engine vehicles and supporting growth in zero-carbon fuels. Since the beginning of the program, California has nearly tripled the quantity of low-carbon fuels used in transportation. CARB staff is developing regulatory changes to the LCFS program to increase stringency in response to recent climate legislation and the 2022 Scoping Plan Update. CARB anticipates Board consideration of the proposed amendments to the LCFS program in the first quarter of 2024.

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**Attachment**

CARB September 14, 2023 and September 28, 2023 Meeting Agendas

# Public Meeting Agenda for the Joint Meeting of the California Air Resources Board and the Assembly Bill 32 Environmental Justice Advisory Committee

*Thursday, September 14, 2023*

Zoom Webinar: [Register](#)  
Phone Number: (669) 900-6833  
Webinar ID: 834 7431 1538



[arb.ca.gov/ma091423](http://arb.ca.gov/ma091423)

## California Environmental Protection Agency

1001 I Street, Sacramento, California 95814  
Coastal Hearing Room, 2nd Floor  
[Webcast](#) (Livestream/Watch Only)

## Additional Teleconference Locations

Gateway Cities Council of Governments  
16401 Paramount Boulevard  
Paramount, CA 90723  
  
78015 Main Street, Suite 205  
La Quinta, CA 92253

The September 14, 2023, joint meeting of the California Air Resources Board (CARB or Board) and the Assembly Bill 32 Environmental Justice Advisory Committee (EJAC) will be held at 1001 I Street in Sacramento, with remote participation available to the public. Some EJAC members may also attend remotely, in accordance with [Gov. Code 11123.5](#). Due to limited seating capacity in the Coastal Hearing Room, remote participation is highly encouraged for members of the public. 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](#)

There will be 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 September 14, Joint Meeting.**

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

## **Thursday, September 14, 2023 @ 4:00 p.m.**

### **Discussion Item:**

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.

### **Joint Discussion of Implementation of California Air Resources Board's Assembly Bill 32 Climate Programs**

The California Air Resources Board (CARB or Board) and the Assembly Bill 32 Environmental Justice Advisory Committee (EJAC) will hear an introduction from CARB staff on coordination with the EJAC. CARB staff will provide a presentation on the Low Carbon Fuel Standard (LCFS). The Board and EJAC will discuss the presentation and implementation of CARB climate programs, including EJAC recommendations to the Board on LCFS regulation updates. The Board and EJAC may also discuss Cap-and-Trade Program Regulation updates, Senate Bill 905 carbon capture utilization and sequestration requirements, and natural and working lands.

- [More Information](#)
- [CARB Staff Introductory Presentation](#)
- [CARB Staff LCFS Presentation](#)
- [EJAC LCFS Presentation](#)
  - [EJAC Invited Speaker Presentation - Michael Wara](#)
- [EJAC LCFS Recommendations](#)
- [EJAC Presentation on Cap-and-Trade Regulation Amendments and Senate Bill 905](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

### **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](mailto: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](mailto:cotb@arb.ca.gov) or (916) 322-5594

CARB Homepage: [www.arb.ca.gov](http://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](mailto: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](mailto: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, September 28, 2023*

## California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

*Webcast* (Livestream/Watch Only)

Zoom Webinar: [Register](#)

Phone Number: (669) 900-6833

Webinar ID: 850 6342 6625



[arb.ca.gov/ma092823](http://arb.ca.gov/ma092823)

The September 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. 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](#)
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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 September 28, Board Meeting.

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

Thursday, September 28, 2023 @ 9:00 a.m.

## Discussion Item:

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.

### 23-8-1: Public Meeting to Hear an Update on the Low Carbon Fuel Standard

The Board will hear an update on the Low Carbon Fuel Standard, which is a regulation that decreases the carbon intensity of California's transportation fuel, reduces petroleum fuel use, and improves air quality. The update will focus on major concepts under consideration for an upcoming Low Carbon Fuel Standard rulemaking. This is a non-voting meeting.

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

## Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and 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:

*Association of American Railroads et al. v. Randolph et al.* United States District Court, Eastern District of California, Sacramento, Case No. 2:23-cv-01154-JAM-JDP.

*Bobby Harris v. Nissan North America, Inc.* (U.S. District Court, Central District of California, Case No. 2:20 cv 06021 CJC GJS.)

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

*California Air Resources Board v. Daimler AG and Mercedes-Benz USA, LLC.* (United States District Court, District of Columbia, Civil Action No. 1:20 cv 2565.)

*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.



Gavin Newsom, Governor  
Yana Garcia, CalEPA Secretary  
Liane M. Randolph, Chair

*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, and consolidated cases *State of California v. Wheeler, et al.*, No. 20-1167, and Nos. 20 1168, 20-1169, 20-1173, 20-1174, 20-1176, and 20-1177.

*East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, et al.* U.S. District Court, Central District of California, Los Angeles, Case 2:23-cv-06682.

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

Federal Energy Regulatory Commission Order 719, Docket No. RM21-14-000.

*Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al.* (San Luis Obispo County Superior Court, Case No. 17CV-0576) and *Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al.*, U.S. District Court for the Central District of California, Case No. 2:17-cv-0-8733.

*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.

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

*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.

Possible litigation challenging U.S. Environmental Protection Agency's grant of waivers of preemption under the Clean Air Act to the California Air Resources Board.

*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.





Gavin Newsom, Governor  
Yana Garcia, CalEPA Secretary  
Liane M. Randolph, Chair

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

*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. 21-1034, consolidated with *California Communities Against Toxics et al. v. EPA*, 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 California, et al. v. United States Environmental Protection Agency*, United States Court of Appeals, District of Columbia Circuit, Case No. 23-1020.

*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-RBW.

*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. 2:16-cv-00285-SWS.



Gavin Newsom, Governor  
Yana Garcia, CalEPA Secretary  
Liane M. Randolph, Chair

*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.

*Western States Petroleum Association v. California Air Resources Board*, Fresno County Superior Court, Case No. 23CECG02976.

*Western States Trucking Association, Inc. v. California Air Resources Board*, Fresno County Superior Court, Case No. 23CECG02964.

*Western States Trucking Association, Inc., et al. v. United States Environmental Protection Agency, et al.*, United States Court of Appeals, District of Columbia Circuit, Case No. 23-1148.

*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

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*View Submitted Comments*

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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](mailto: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.