

BOARD MEETING DATE: November 6, 2015

AGENDA NO. 33

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on October 22, 2015, in Diamond Bar. The following is a summary of this meeting.

RECOMMENDED ACTION:
Receive and File.

Judith Mitchell, Member
SCAQMD Governing Board

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The Air Resources Board's (ARB or Board) October meeting was held on October 22, 2015, in Diamond Bar at the South Coast Air Quality Management District Auditorium. Key items presented are summarized below.

Discussion Items

1. Public Meeting to Consider a Modification to the Fiscal Year 2015-16 Funding Plan for Low Carbon Transportation Investments and the Air Quality Improvement Program

The Board approved an update to the Fiscal Year 2015-16 Funding Plan for Low Carbon Transportation Investments and the Air Quality Improvement Program. The original plan was approved in June 2015 pending appropriation of funds in the 2015-16 State Budget. The Board-approved plan was predicated on a \$350 million Low Carbon Transportation appropriation. In September 2015, the Legislature approved a partial appropriation of \$90 million. The staff proposal allocates \$90 million toward three ongoing projects and delays implementation of the remaining projects in the Funding Plan. The Board approved the modified Funding Plan and directed staff to continue to work with the air districts to be prepared to act when the remainder of the expected funds are appropriated by the State Legislature.

SCAQMD Staff Comments/Testimony: Mr. Henry Hogo commented that the Low Carbon Transportation Investments and the Air Quality Improvement Program are two incentive programs that enable the deployment of advanced zero and near-zero mobile source technologies critically needed to not only meet long-term climate goals, but more importantly, attain local air quality standards and reduce air toxics exposure. There is a need to inform the state legislature that attainment of federal air quality standards and meeting SIP obligations are of the utmost importance, and more funding will be needed if nonattainment areas in California are to meet federal air quality standards by their applicable deadlines. Mr. Hogo commented that there is a tremendous interest in the EFMP Plus-Up program. There is a need to identify sufficient funding to cover the over 2,000 applications that the SCAQMD has received to-date. The SCAQMD along with co-funding partner, the MSRC, have already approved up to an additional \$12 million of local funding to complement up to \$20 million that CARB allocated to the EFMP. Mr. Hogo urged the Board to consider additional funding level needed to continue the program.

2. Informational Presentation of the Discussion Draft of the Mobile Source Strategy

Staff presented an informational item on the draft mobile source strategy and proposed measure concepts. The presentation discussed how the integrated strategy outlines the mobile source actions needed to meet air quality standards, greenhouse gas and petroleum reduction targets, and reduce near-source risk. Based on public comment and Board direction provided in response to the presentation, staff will continue to work with public stakeholders and air districts to develop the measure concepts into control measures for subsequent consideration by each air district for inclusion in their State Implementation Plan submittals that are due in 2016 for meeting federal air quality standards. Elements of the mobile source strategy will also be incorporated into other planning efforts including ARB's Scoping Plan update, California's Sustainable Freight Action Plan, and ARB's Short Lived Climate Pollutant Plan.

SCAQMD Staff Comments/Testimony: Dr. Barry Wallerstein acknowledged the efforts of the CARB staff and remarked that this has been the best coordination between the agencies in the past three decades. Dr. Wallerstein indicated that CARB staff has laid out the key points but time is of the essence and funding is absolutely critical in order to phase out of the legacy fleets and deploy cleaner, advanced technology vehicles. Dr. Wallerstein noted that CARB does not "get back enough" of the Greenhouse Gas Reduction Funds, which can be used to not only achieve greenhouse gas reductions, but the co-benefits of local criteria pollutant emission and air toxics reductions. To be successful, CARB and SCAQMD must work together along with stakeholders to inform the state legislature that more funding is necessary towards air quality purposes. Dr. Wallerstein commented that it is very important for CARB to develop a funding plan in moving forward. It is also important for the federal government to develop a strategic

plan for mobile sources primarily under its jurisdiction and asked CARB to join the SCAQMD in requesting that the federal government develop such a plan. In addition, Dr. Wallerstein stressed the need for a national 0.02 g/bhp-hr heavy-duty engine emission standard and urged CARB to petition the EPA for such a standard as well as adopt its own state standard as early as possible.

3. Update to the Board on the Advanced Clean Cars Program Mid-Term Review

Staff presented to the Board an update on on-going work related to the Advanced Clean Cars mid-term review, including updates on work with Federal agencies, current zero emission vehicle sales, and research related to consumer preferences. The Board directed staff to look more closely at the credit system and markets involved in the program as the Mid-Term Review progresses towards its final presentation to the Board in late 2016.

4. Update to the Board on Zero Emission Vehicle Market Enabling Actions

Staff, along with invited representatives from other state governments and non-governmental organizations, updated the Board on efforts to enable zero emission vehicle markets. The update covered fueling infrastructure, fleet purchases, multi-state and national partnerships and other relevant topics. Based on the staff presentation and public testimony, the Board discussed a need for more public outreach and consumer education on low and zero emission vehicles, particularly at the dealership and vendor level.

5. Update to the Board on Advanced Clean Cars Particulate Matter Measurement Feasibility

Staff presented an assessment of the feasibility of measuring Particulate Matter (PM) emissions, at and below 1 mg/mi. This informational item was in response to industry concerns about low-level PM emissions measurement. The staff presentation included the progress made, in cooperation with various stakeholders, in gravimetric PM emission determination at and below

1 mg/mi with the conclusion that current methods are adequate and should remain the approved test method. In addition to presenting these findings, staff also provided an evaluation of other approaches to PM emission measurement.

SCAQMD Staff Comments/Testimony: Mr. Henry Hogo thanked CARB staff for the comprehensive update on the Advanced Clean Car Program. The SCAQMD is working closely with the Plug-In Electric Vehicle Collaborative and the California Fuel Cell Partnership to advance deployment of zero-emission vehicles. Mr. Hogo provided examples of recent SCAQMD Governing Board actions to expand residential electric vehicle charging and development of a protocol to incentivize workplace electric vehicle charging as part of the Rule 2202 program. Mr. Hogo concluded with comments that the

SCAQMD staff is in full agreement with the conclusions reached by CARB staff that it is feasible to measure PM at the 1 mg level.

Consent Items

1. Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Shasta Regional Transportation Agency's Regional Transportation Plan/Sustainable Communities Strategy

The Board accepted the Shasta Regional Transportation Agency's determination that its 2015 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

2. Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Tulare County Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy

The Board accepted the Tulare County Association of Governments' determination that its 2014 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

3. Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Kings County Association of Governments' Regional Transportation Plan/ Sustainable Communities Strategy.

The Board accepted the Kings County Association of Governments' determination that its 2014 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

4. Public Meeting to Consider Updated Transportation Conformity Budgets for the San Joaquin Valley Ozone, PM2.5, and PM10 State Implementation Plans

The Board approved updates to transportation conformity budgets for three State Implementation Plans in the San Joaquin Valley.

Attachment

CARB October 22, 2015 Meeting Agenda

LOCATION: (In-Person)

South Coast Air Quality Management District
Auditorium
21865 E. Copley Drive
Diamond Bar, California 91765-4182

This facility is accessible by public transit. For transit information, call: (800) 743-3463,
<http://www.foothilltransit.org/>
(This facility is accessible to persons with disabilities.)

Or Via Videoconference:

California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium, 2nd Floor
1001 I Street
Sacramento, California 95812

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:
<http://www.sacrt.com>
(This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN
AGENDA ITEM IN ADVANCE OF THE MEETING GO
TO: <http://www.arb.ca.gov/lispub/comm/bclist.php>**

PUBLIC MEETING AGENDA

**October 22, 2015
(Diamond Bar, CA)**

[Webcast](#)

**Thursday
October 22, 2015
9:00 a.m.**

CONSENT CALENDAR:

The following items on the consent calendar will be presented to the Board immediately after the start of the public meeting, unless removed from the consent calendar either upon a Board member's request or if someone in the audience wishes to speak on it

Consent Item #

- 15-8-1: Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Shasta Regional Transportation Agency's Regional Transportation Plan/Sustainable Communities Strategy**

The Board will consider accepting the Shasta Regional Transportation Agency's determination that its 2015 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

[More Information](#)

[Proposed Resolution](#)

15-8-2: Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Tulare County Association of Governments' Regional Transportation Plan/Sustainable Communities Strategy

The Board will consider accepting the Tulare County Association of Governments' determination that its 2014 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

[More Information](#)

[Proposed Resolution](#)

15-8-3: Public Meeting to Consider the Greenhouse Gas Quantification Determination for the Kings County Association of Governments' Regional Transportation Plan/ Sustainable Communities Strategy.

The Board will consider accepting the Kings County Association of Governments' determination that its 2014 Regional Transportation Plan/Sustainable Communities Strategy, if implemented, would achieve the region's per capita greenhouse gas emissions reduction targets for 2020 and 2035 set by the Air Resources Board.

[More Information](#)

[Proposed Resolution](#)

15-8-4: Public Meeting to Consider Updated Transportation Conformity Budgets for the San Joaquin Valley Ozone, PM2.5, and PM10 State Implementation Plans

The Board will consider updates to transportation conformity budgets for three State Implementation Plans in the San Joaquin Valley.

[More Information](#)

[Proposed Resolution](#)

DISCUSSION ITEMS:

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

Agenda Item #

15-8-5: Public Meeting to Consider a Modification to the Fiscal Year 2015-16 Funding Plan for Low Carbon Transportation Investments and the Air Quality Improvement Program

The Board will consider approving an update to the Fiscal Year 2015-16 Funding Plan for Low Carbon Transportation Investments and the Air Quality Improvement Program, originally approved by the Board in June 2015 pending appropriation of funds in the 2015-16 State Budget. The Board-approved plan was predicated on a \$350 million Low Carbon Transportation appropriation. In September 2015, the Legislature approved a partial appropriation of \$90 million. Staff proposes to allocate the \$90 million toward three ongoing projects and delaying implementation of the remaining projects in the Funding Plan until additional funding is appropriated.

[More Information](#)

[Staff Presentation](#)

15-8-6: Informational Presentation of the Discussion Draft of the Mobile Source Strategy

Staff will present to the Board the mobile source strategy and measure concepts described in the "Mobile Source Strategy Discussion Draft." The presentation will discuss how the comprehensive strategy outlines many of the mobile source actions needed to meet air quality standards, greenhouse gas and petroleum reduction targets, as well as sustainable freight

planning. Based on Board direction provided in response to the presentation, staff will work with the air districts to further develop the measure concepts into control measures for subsequent consideration by each air district for inclusion in their State Implementation Plan submittals that are due in 2016 for meeting federal air quality standards.

[More Information](#)

[Staff Presentation](#)

15-8-7: Update to the Board on the Advanced Clean Cars Program Mid-Term Review

Staff will present to the Board an update on on-going work related to the Advanced Clean Cars mid-term review, including updates on work with Federal agencies, current Zero Emission Vehicle sales, and research contracts related to consumers.

[More Information](#)

[Staff Presentation](#)

15-8-8: Update to the Board on Zero Emission Vehicle Market Enabling Actions

Staff, along with invited experts, will update the Board on efforts to enable zero emission vehicle markets. The update will cover fueling infrastructure, fleet purchases, multi-state and national partnerships, and other relevant topics.

[More Information](#)

[Staff Presentation](#)

15-8-9: Update to the Board on Advanced Clean Cars Particulate Matter Measurement Feasibility

Staff will present to the Board an assessment of the feasibility of measuring Particulate Matter (PM) emissions, at and below 1 mg/mi. This informational item is in response to industry concerns about low-level PM emissions measurement. The staff presentation will include the progress made, in cooperation with various stakeholders, in gravimetric PM emission determination at and below 1 mg/mi. In addition to presenting these findings, staff will also provide an evaluation of other approaches to PM emission measurement.

[More Information](#)

[Staff Presentation](#)

CLOSED SESSION

The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding these pending or potential litigation, and as authorized by Government Code section 11126(a):

American Fuels and Petrochemical Manufacturers, et al. v. Jane O'Keeffe, et al., U.S. District Court (D. Ore. Portland), Case No. 3:15-CV-00467.

Sarah Farley v. California Air Resources Board, Superior Court of California (Sacramento County), Case No. 34-2015-80002044.

POET, LLC, et al. v. Corey, et al., Superior Court of California (Fresno County), Case No. 09CECG04850; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394. [remanded to trial court].

Rocky Mountain Farmers Union, et al. v. Corey, U.S. District Court (E.D. Cal. Fresno), Case No. 1:09-CV-02234-LJO-DLB; ARB interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 09-CV-02234 [remanded to trial court].

American Fuels and Petrochemical Manufacturers, et al. v. Corey, et al., U.S. District Court (E.D. Cal. Fresno), Case No. 1:10-CV-00163-AWI-GSA; ARB's interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 10-CV-00163 [remanded to trial court].

California Dump Truck Owners Association v. Nichols, U.S. District Court (E.D. Cal. Sacramento), Case No. 2:11-CV-00384-MCE-GGH; plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 13-15175.

Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774; ARB's successful appeal, California Court of Appeal, Third District, Case No. C071891 [remanded to the trial court].

Truck and Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2013-00150733.

Alliance of Automobile Manufacturers v. California Air Resources Board; Sacramento Superior Court, Case No. 34-2013-00152974.

California Chamber of Commerce et al. v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2012-80001313; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075930.

Morning Star Packing Company, et al. v. California Air Resources Board, et al., Sacramento Superior Court, Case No. 34-2013-800001464; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075954.

Delta Construction Company, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 11-1428.

Alliance for California Business v. Nichols et al., Glenn County Superior Court, Case No. 13CV01232.

Dalton Trucking, Inc. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283.

Owner-Operator Independent Drivers Association Inc. et al. v. Richard W. Corey et al., U.S. District Court, (E.D. Cal. Fresno) Case No. 1:13-CV-01998-LJO-SAB (transferred by court to E.D. Cal. Sacramento, Case No. 2:14-CV-00186-MCE-AC).

Jack Cody dba Cody Transport v. California Air Resources Board, et al. (Sacramento Superior Court, Case No. 34-2015-80002116.

CO-AL Transport v. California Environmental Protection Agency et al., (United States Court of Appeals, Ninth Circuit, Case No. 15-70839).

John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494.

Transportation Solutions Defense and Education Fund v. California Air Resources Board, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff's transfer to Sacramento Superior).

California Air Resources Board v. BP West Coast Products LLC, Contra Costa County Superior Court, Case No. C12-00567.

Sacramento Metropolitan Air Quality Management District v. Hardesty Sand & Gravel, et al. (Sacramento County Superior Court, Case No. 34-2011-00101272).

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.

TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:

<http://www.arb.ca.gov/lispub/comm/bclist.php>

(Note: not all agenda items are available for electronic submittals of written comments.)

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD:

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

(916) 322-5594

ARB 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 Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 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 llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 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.

SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD