

BOARD MEETING DATE: January 4, 2019

AGENDA NO. 22

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on December 13 and 14, 2018 in Sacramento, CA. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Judith Mitchell, Member
SCAQMD Governing Board

dg

The California Air Resources Board (CARB or Board) held a meeting on December 13 and 14, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

CONSENT ITEM

18-10-1: Public Meeting to Consider the Proposed Revision to the South Coast 1-Hour Ozone State Implementation Plan

The Board approved the South Coast 1-hour Ozone State Implementation Plan update. The 1-hour Ozone SIP update demonstrates that the South Coast Air District has identified all of the control measures needed to attain the 1-hour ozone standard without reliance on advanced technology measures allowed for extreme ozone nonattainment areas.

DISCUSSION ITEMS

18-10-9: Public Meeting to Consider Electrify America's Cycle 2 Zero-Emission Vehicles Investment Plan

The Board approved Electrify America's Cycle 2 Zero-Emission Vehicles Investment Plan (Investment Plan). At the November 2018 Board meeting, staff provided an assessment of the Investment Plan and the Board heard comments from the public. At this Board meeting, staff provided the Board with additional information on the Investment Plan and feedback received from a December stakeholder meeting.

18-10-6 and 18-10-7: Public Hearing to Consider Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions, and to Consider California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation

The Board adopted amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR), and amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Trade Regulation). This hearing was the second of two Board hearings on these amendments. The amendments to the MRR clarify how entities report their greenhouse gas emissions to support the Cap-and-Trade Program. Amendments to the Cap-and-Trade Regulation will conform it to requirements in AB 398 and Board direction in Resolution 17-21, and will also enhance program implementation and oversight. The amendments include changes to provisions relating to free allocation for minimizing leakage and transition assistance, offset usage limits and criteria related to direct environmental benefits in the State, and cost containment.

18-10-4: Public Meeting to Consider the PM10 State Implementation Plan for Imperial County

The Board approved the Imperial County 2018 Maintenance Plan (Plan) and Redesignation Request for the 150 $\mu\text{g}/\text{m}^3$ 24-hour PM10 standard. The Plan demonstrates that Imperial County has attained and will maintain the 24-hour PM10 standard out to 2030 when windblown exceptional events are excluded. CARB will submit the Plan to the United States Environmental Protection Agency as a revision to the California State Implementation Plan. Staff also provided the Board with an informational update on recommendations and actions developed by the CARB-sponsored Imperial County–Mexicali air quality working group to improve air quality in the border region. The Board also heard from a representative of the City of Mexicali regarding new air monitoring and control programs planned for Mexicali.

18-10-8: Public Hearing to Consider the Proposed Innovative Clean Transit Regulation, a Replacement of the Fleet Rule for Transit Agencies

The Board adopted the Innovative Clean Transit (ICT) regulation. This hearing was the second of two Board hearings on this regulation. The ICT regulation requires California transit agencies to gradually transition their buses to zero-emission technologies beginning with a requirement that only zero emission buses can be purchased starting in 2029. The ICT regulation is structured to allow transit agencies to take advantage of incentive programs by acting early, and to implement plans that are best suited to their own situations. The Board also certified the Final Environmental Analysis and approved the written response to comments received on the Draft Environmental Analysis.

18-10-3: Public Hearing to Consider the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants

The Board adopted the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR Regulation). The CTR Regulation requires the majority of permitted stationary source facilities to report annual emissions of criteria pollutants and toxic air contaminants so that uniform and consistent facility emissions data will be available statewide. The CTR Regulation provides facility specific emissions data that will support the implementation of Assembly Bill 617 and Assembly Bill 197. The Board also directed Staff to work closely with air districts and other stakeholders during the 15-day process to identify funding sources to support emissions reporting activities, minimize workload, and develop reporting thresholds for criteria pollutants and air toxics.

SCAQMD Staff Comments/Testimony: Staff provided comments on the CARB staff proposal including proposed 15-day modifications. SCAQMD staff strongly supports the goals of the legislature and CARB to provide more accurate and detailed facility-level emissions data to the public for both criteria air pollutants and toxic air contaminants (TACs). This will increase transparency and accountability that will aid in the implementation of regulatory programs, including AB 617. Given that AB 617 is a fundamental reshaping of how air quality is addressed by both CARB and air districts, CARB staff's ongoing willingness to work to ensure successful development and implementation of the program is appreciated.

Over the past months, SCAQMD staff have expressed concerns regarding regulatory development. These include potential redlining of AB 617 communities, reporting from facilities with negligible emissions, equity issues across air districts, timing, and resource constraints. SCAQMD staff also supports a closer look at individual TACs based on risk to avoid unintended consequences and to focus limited resources. Implementation will require rulemaking, software development, outreach to the

regulated community, and related training. SCAQMD staff supports CARB's approach and looks forward to continuing the dialogue during the 15-day change process.

18-10-5: Public Meeting to Hear an Informational Update on Implementation of Senate Bill 1's Requirement that Ties Department of Motor Vehicles Registration for Heavy-Duty Trucks and Buses to Compliance with CARB's Truck and Bus Regulation

The Board heard an update on the steps CARB staff have taken and will take to implement the piece of the Road Repair and Accountability Act of 2017 (Senate Bill 1) that requires, beginning on January 1, 2020, the Department of Motor Vehicles to only register heavy-duty trucks and buses that are either compliant with, or exempt from, CARB's Truck and Bus Regulation. The Board heard that staff is, among other things, conducting a wide-ranging outreach campaign to inform the regulated community and general public about this new compliance verification process, so that truck and bus owners have time to make the necessary changes before the new law takes effect. CARB has already put in place enhanced enforcement efforts to address vehicles currently out of compliance with the Truck and Bus Regulation, including CARB using its current authority to manually place approximately 10,000 registration holds on non-compliant trucks.

Attachment

CARB December 13 and 14, 2018 Meeting Agenda



PUBLIC MEETING AGENDA

LOCATION:

California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium, 2nd Floor
1001 I Street
Sacramento, California 95814

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>

**Thursday, December 13, 2018
and
Friday, December 14, 2018**

**Thursday
December 13, 2018
9:00 a.m.**

CONSENT CALENDAR:

The following item 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.

Consent Item #

18-10-1: Public Meeting to Consider the Proposed Revision to the South Coast 1-HR Ozone State Implementation Plan

The Board will consider adopting the South Coast 1-hour Ozone State Implementation Plan update. The 1-hour Ozone SIP update demonstrates that the South Coast Air District has identified all of the control measures needed to attain the 1-hour ozone standard and that attainment of the 1-hour ozone standard no longer relies on advanced technology measures allowed for extreme ozone nonattainment areas.

[More Information](#)

[Proposed Resolution](#)

DISCUSSION ITEMS:

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

Agenda Item #

18-10-9: Public Meeting to Consider Electrify America's Cycle 2 Zero Emission Vehicles Investment Plan

The Board will decide whether to approve or disapprove, in whole or in part, Electrify America's Cycle 2 Zero Emission Vehicles (ZEV) Investment Plan. At the November 2018 Board meeting, staff provided an assessment of the Investment Plan and the public provided comments. At this Board meeting, the Board will further consider the Investment Plan.

[More Information](#)

[Staff Presentation](#)

18-10-6: Public Hearing to Consider Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions

Spanish translation will be provided at the Board Meeting for this item, Item 18-10-6.

This is the second of two Board hearings where the Board will consider amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR). The proposed MRR amendments are targeted revisions to clarify the existing regulation related to how entities report their greenhouse gas emissions to support the Cap-and-Trade Program, and to ensure the data that are collected for CARB's climate change programs are complete and accurate. The public comments for this item will be combined for purposes of the Board hearing with item 18-10-7.

[More Information](#)

[Staff Presentation](#)

18-10-7: Public Hearing to Consider California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation

Spanish translation will be provided at the Board Meeting for this item, Item 18-10-7.

This is the second of two Board hearings where the Board will consider amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation (Cap-and-Trade Regulation). The proposed Cap-and-Trade Regulation amendments are intended to conform with the requirements in AB 398, respond to Board direction in Resolution 17-21, and enhance program implementation and oversight. The proposed amendments include changes to provisions relating to free allocation for minimizing leakage and transition assistance, offsets usage limits and criteria related to direct environmental benefits in the State, and cost containment. The public comments for this item will be combined for purposes of the Board hearing with item 18-10-6.

[More Information](#)

[Staff Presentation](#)

18-10-4: Public Meeting to Consider the PM10 State Implementation Plan for Imperial County

Spanish translation will be provided at the Board Meeting for this item, Item 18-10-4.

Staff will present to the Board the proposed Imperial County 2018 Maintenance Plan and Redesignation Request for the 150 µg/m³ 24-hour PM10 standard. The Plan shows that Imperial County has attained and will maintain the 24-hour PM10 standard out to 2030 and addresses all requirements under the federal Clean Air Act. If adopted, CARB will submit the Plan to the United States Environmental Protection Agency as a revision to the California State Implementation Plan. Staff will also provide an informational update on recommendations and actions developed by the Imperial County - Mexicali air quality working group to improve air quality in the border region.

[More Information](#)

[Staff Presentation](#)

Friday
December 14, 2018
8:30 a.m.

18-10-8: Public Hearing to Consider the Proposed Innovative Clean Transit Regulation, a Replacement of the Fleet Rule for Transit Agencies

Spanish translation will be provided at the Board Meeting for this item, Item 18-10-8.

The Board will consider adopting the proposed Innovative Clean Transit (ICT) Regulation that requires California transit agencies to gradually transition their buses to zero-emission technologies. The ICT regulation is structured to allow transit agencies to take advantage of incentive programs by acting early and in a manner to implement plans that are best suited for their own situations. This is the second of two Board hearings on this item; the Board will consider certifying the Final Environmental Analysis, approving the written response to comments received on the Draft Environmental Analysis, and adopting the amendments at this meeting.

[More Information](#)

[Staff Presentation](#)

18-10-3: Public Hearing to Consider the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants

Spanish translation will be provided at the Board Meeting for this item, Item 18-10-3.

The Board will consider adoption of a regulation requiring specified facilities to report annual emissions of criteria pollutants and toxic air contaminants to implement Assembly Bill 617 and to support Assembly Bill 197.

[More Information](#)

[Staff Presentation](#)

18-10-5: Public Meeting to Hear an Informational Update on Implementation of Senate Bill 1's Requirement that Ties Department of Motor Vehicles Registration for Heavy-Duty Trucks and Buses to Compliance with CARB's Truck and Bus Regulation

The Board will hear an update on the steps that CARB staff has taken and will take to be ready for implementation of the piece of Senate Bill 1 that requires the Department of Motor Vehicles to only register heavy-duty trucks and buses that are either compliant with or exempt from CARB's Truck and Bus Regulation, beginning on January 1, 2020.

[More Information](#)

[Staff Presentation](#)

18-10-2: Public Meeting to Hear an Informational Update on the 2017 Scoping Plan Implementation

The Board will hear an informational update item on the implementation status of key strategies included in the 2017 Scoping Plan Update, which lays out the path to achieve the Senate Bill 32 Greenhouse Gas reduction target of 40 percent below 1990 emissions by 2030. The 2017 Scoping Plan Update was adopted by the Board in December 2017.

[More Information](#)

[Staff Presentation](#)

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, 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; Plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 15-35834.

California Air Resources Board v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

Electric Power Supply Association, et al. v. Star, et al., U.S. Court of Appeals, Seventh Circuit, Case No. 17-2445.

POET, LLC, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 09CECG04659; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394 [remanded to trial court]; plaintiff's appeal of trial court order discharging peremptory writ of mandate, Court of Appeal, Fifth District, Case No. F073340.

POET, LLC, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 15CECG03380.

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. 12-15131 [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].

Sowinski v. California Air Resources Board, et al., U.S. District Court, Central District of California, Case No. 8:15-CV-02123; Orange County Superior Court, Case No. 30-2018-00970852-CU-IP-CXC.

State of California, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1114.

State of California, et al. v. United States Bureau of Land Management, et al., U.S. District Court, Northern District of California Circuit, Case No. 3:17-cv-07186-WHO.

State of New York, et al. v. United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

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 North Dakota v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

State of West Virginia et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1363.

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.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

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.

Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al., Court of Appeal, First Appellate District, Case No. A151004.

Alliance for California Business v. California Air Resources Board, et al., Glenn County Superior Court, Case No. 13CV01232; plaintiffs' appeal, Court of Appeal, Third District, Case No. C082828.

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.

Jack Cody dba Cody Transport v. California Air Resources Board, et al., Sacramento Superior Court, Case No. 34-2015-80002116; plaintiff's appeal, Court of Appeal, Third District, Case No. C083083.

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.

John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494; ARB's appeal, Court of Appeal, Fifth District, Case No. F074003.

Murray Energy Corporation v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1385.

State of California, et al. v. United States Environmental Protection Agency et al., U.S. District Court, Northern District of California, Oakland Division, Case No. 4:17-cv-6936-HSG.

State of New York, et al. v. United States Environmental Protection Agency et al., U.S. Court of Appeals, District of Columbia Circuit, Case No. 17-1185.

California Air Resources Board v. Adam Brothers Farming Inc., Santa Barbara County Superior Court, Case No. 16CV01758.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

In re: Volkswagen "Clean Diesel" MDL, United States District Court, Northern District of California, Case No. 15-MD-2672-CRB (JSC).

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.

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:

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

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

PLEASE NOTE: No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any CARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerk of the Board 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 CLERK OF THE BOARD:

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

(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 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 alterno 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