

BOARD MEETING DATE: April 7, 2023

AGENDA NO. 24

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a public meeting on March 23, 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 March 23, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key items presented are summarized below.

DISCUSSION ITEMS

23-3-1: Public Meeting to Consider Proposed Ozone Attainment Plan for Western Nevada County

The Board adopted the Ozone Attainment Plan for Western Nevada County: State Implementation Plan for the 2015 70 parts per billion (ppb) Ozone Standard (2023 Plan) developed by the Northern Sierra Air Quality Management District (District). 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). On August 3, 2018, U.S. EPA designated Western Nevada County as a nonattainment area for the 70 ppb ozone standard with the classification of Moderate. However, per a request from the District and State, U.S. EPA reclassified Western Nevada County as a Serious nonattainment area for the 70-ppb ozone standard. Following Clean Air Act and applicable guidance, the District developed the 2023 Plan addressing the Serious area requirements including demonstrating attainment by the 2026 ozone season. The District approved the 2023 Plan on February 27, 2023. The Board further directed CARB staff to submit the 2023 Plan to the U.S. EPA for inclusion in the California State Implementation Plan.

23-2-2: Public Meeting to Consider the Proposed California Smog Check Performance Standard Modeling and Program Certification for the 70 parts per billion 8-hour Ozone Standard

The Board adopted the California Smog Check Performance Standard Modeling and Program Certification (Smog Check Certification) for the 70 parts per billion (ppb) 8-hour ozone standard and the 75 ppb 8-hour ozone standard. CARB staff prepared this Smog Check Certification to address Clean Air Act requirements for ozone nonattainment areas within the State. The Smog Check Certification demonstrates that California's Smog Check Program meets the federally mandated Inspection and Maintenance program requirements for all applicable nonattainment areas, which include the South Coast Air Basin, San Joaquin Valley, Coachella Valley, Western Mojave Desert, San Diego County, Sacramento Metro, Eastern Kern, and Ventura County. The Board also direct CARB staff to submit the Smog Check Certification to U.S. EPA for inclusion in the California State Implementation Plan.

23-3-3: Public Meeting to Consider Proposed Delegation of Authority to the Executive Officer to Consider Proposed Amendments to Mobile Source Regulations

The Board approved delegating to the Executive Officer until December 31, 2023 specific powers to consider any CARB staff-proposed new, amended, or revoked emission standards, test procedures, and compliance test procedures for new on-road motor vehicles. Specifically, the Board authorized the Executive Officer to exercise that delegated authority to provide manufacturers additional compliance flexibility to meet requirements of new regulations to facilitate implementation while ensuring that flexibility does not reduce the emissions benefits of existing mobile source Board regulations. The delegation of such powers will terminate as of December 31, 2023.

23-3-4: Public Meeting to Consider the Appointment of New or Alternate Members to the Assembly Bill 32 Environmental Justice Advisory Committee and Consideration of Adoption of the Environmental Justice Advisory Committee Charter

The Board reappointed the current 13 members to the ongoing Environmental Justice Advisory Committee (EJAC) created under Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006. The ongoing EJAC advises the Board in developing the Scoping Plan and pertinent issues related to AB 32. It is comprised of representatives from California communities most heavily impacted by air pollution including disadvantaged communities with minority or low-income populations. The Board also adopted the first EJAC charter developed by the EJAC committee members and CARB. The charter sets clear goals for CARB and EJAC members, provides accountability and transparency, and outlines the working relationship as it relates to governance for the ongoing EJAC.

23-3-5: Public Hearing to Consider Proposed Amendments to the Procedures for Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines Specific to Electric Vehicle Conversions

The Board adopted amendments to the Aftermarket Parts Procedure (Procedure) to clarify the process for electric vehicle (EV) conversions to receive an exemption from the California Vehicle Code 27156 section on anti-tampering. The unique nature of an EV conversion was not specifically addressed by the current Procedure and a new section on the requirements for EV conversion applications was added. The proposed amendments will help to clarify, simplify, and streamline the application process for a manufacturer of EV conversions by clearly identifying the requirements for these types of conversions. The amendments are expected to result in more EVs on the roads in California.

Attachment
CARB March 23, 2023 Meeting Agenda



Public Meeting Agenda



Thursday, March 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: 832 7655 9661

The March 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](#)

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

Spanish interpretation will be available for the March 23 Board Meeting.

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

Thursday, March 23, 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.

23-3-1: Public Meeting to Consider Proposed Ozone Attainment Plan for Western Nevada County

The Board will consider adopting the Ozone Attainment Plan for Western Nevada County: State Implementation Plan for the 2015 70 parts per billion Ozone Standard (2023 Plan). If adopted, CARB will submit the 2023 Plan to the 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](#)

23-3-2: Public Meeting to Consider the Proposed California Smog Check Performance Standard Modeling and Program Certification for the 70 parts per billion 8-hour Ozone Standard

The Board will consider the adoption of the California Smog Check Performance Standard Modeling and Program Certification for the 70 parts per billion (ppb) and 75 ppb 8-hour Ozone Standard (Smog Check Certification). If adopted, CARB will submit the Smog Check Certification to the U.S. Environmental Protection Agency as a revision to the California State Implementation Plan.

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

23-3-3: Public Meeting to Consider Proposed Delegation of Authority to the Executive Officer to Consider Proposed Amendments to Mobile Source Regulations

The Board will consider delegating to the Executive Officer, for a limited time, specific powers to consider any CARB staff-proposed new, amended, or revoked emission standards, test procedures, and compliance test procedures for new on-road motor vehicles, which includes the authority to approve, with or without Executive Officer modifications, or deny such proposals. Specifically, the Board will consider authorizing the Executive Officer to exercise that delegated authority to provide manufacturers additional compliance flexibility to meet requirements of new regulations to facilitate implementation, while also ensuring that flexibility does not reduce the emissions benefits of existing mobile source Board

regulations. Staff proposes that the delegation of such powers terminate as of December 31, 2023.

- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

23-3-4: Public Meeting to Consider the Appointment of New or Alternate Members to the Assembly Bill 32 Environmental Justice Advisory Committee and Consideration of Adoption of the Environmental Justice Advisory Committee Charter

The Board will consider staff's recommendations for the appointment of new or alternate members to the Environmental Justice Advisory Committee (EJAC) and the adoption of the EJAC Charter.

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

23-3-5: Public Hearing to Consider Proposed Amendments to the Procedures for Exemption of Add-On and Modified Part(s) for On-Road Vehicles/Engines Specific to Electric Vehicle Conversions

The Board will consider amendments to the Aftermarket Parts Procedure to clarify the process for electric vehicle conversions to receive an exemption from the anti-tampering prohibitions of the California Vehicle Code section 27156.

- [Formal Rulemaking Page](#)
 - [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).

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 electrónico 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.