

BOARD MEETING DATE: December 4, 2015

AGENDA NO. 28

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on November 19, 2015, in Sacramento. 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) November meeting was held on November 19, 2015 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

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Discussion Items

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**1. Public Meeting to Hear a 2015 Legislative Update**

The Board heard a review on air quality and climate change legislation in the first half of the 2015-2016 Legislative Session from the Legislative Director. Key legislation included bills related to post-2020 climate actions, cap-and-trade proceeds, and updates to the Carl Moyer program. Environmental Justice was a focus of several bills including AB 1288, which added two new members to the Board with Environmental Justice backgrounds.

**2. Public Meeting to Update the Board on Advanced Medium-and Heavy-duty Truck Technology Assessments: Hybrid, Battery Electric, and Fuel Cell Electric Vehicles**

The Board heard an informational update on the recently drafted technology assessments for advanced medium- and heavy-duty truck hybrid, battery electric, and fuel cell electric technology. These technology assessments are the foundation for

ARB's current planning efforts including the State Implementation Plan, California's integrated freight planning and the Scoping Plan Update. A diverse portfolio of advanced technologies will be required to meet ARB's near and long-term goals for reducing criteria pollutants, toxics and greenhouse gases (GHGs), and will assist in compliance with the recently proposed federal Phase 2 GHG standards for medium-and heavy-duty trucks. The Board directed staff to work with closely with all stakeholders to address public health goals in consideration of market and technology viability.

### **3. Public Meeting to Hear a Status Report on the 2030 Target Scoping Plan Update**

The Board heard an informational update on the 2030 Target Scoping Plan Update under the California Global Warming Solutions Act of 2006 (AB 32). Earlier this year, the Governor issued Executive Order B-15-30 that set a 2030 target of a 40 percent reduction of GHGs from 1990 levels. Staff presented a summary of progress to date and schedule of future actions to meet the new goal. Developing the plan will require collaboration with other state agencies, alignment with other state plans and engagement with stakeholders, and the legislature. The next steps in developing the 2030 target plan include meetings with advisory groups, such as the Environmental Justice Advisory Committee, public workshops, Board hearings, draft/final work products, and other milestones.

### **4. Public Meeting to Hear an Annual Update on the Cap-and-Trade Program**

The Board heard an informational update on the status of California's Cap-and-Trade Program, including information on recent auctions, compliance success, Scoping Plan coordination, and linked programs. The update also previewed upcoming 2016 amendments to the Cap-and-Trade program. The amendments the Board will hear in 2016 include continuing the Cap-and Trade program beyond 2020, possible linkage with a nascent Ontario program and improved efficiency.

### **5. Public Meeting to Update the Board on the United States Environmental Protection Agency's Clean Power Plan Rules**

The Board heard an informational update on the U.S. EPA's recently finalized Clean Power Plan (CPP) to limit GHG emissions from existing power plants. The CPP is due to U.S. EPA in September 2016 with compliance beginning in 2022. Staff briefed the Board on ARB progress to date including interagency meetings with the CEC and CPUC, workshops with stakeholders, and ongoing consultation with air districts. Staff also discussed regional power trading issues and the staff preferred "State Measure" option for compliance with the rule.

**6. Public Meeting to Update the Board on the Adaptive Management Plan for the Cap-and-Trade Program**

The Board heard an informational update on Cap-and-Trade Program adaptive management. Adaptive management involves establishing a process to track emissions and identify any unlikely adverse impacts from Cap-and-Trade covered facilities. ARB's Facility GHG Emissions Visualization and Analysis Tool enables ARB staff and members of the public to locate and view GHG emissions from large facilities in California. With this tool, ARB staff and members of the public can analyze single facility, and whole community, GHG emission trends. ARB is currently collecting data, meeting with the public, air districts and affected stakeholders, and will bring a proposed adaptive management process to the Board in 2016.

**Attachment**

CARB November 19, 2015 Meeting Agenda

## PUBLIC MEETING AGENDA

**November 19, 2015**

[Webcast](#)

### LOCATION:

California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium, 2<sup>nd</sup> 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>

**Thursday**  
**November 19, 2015**  
**9:00 a.m.**

### DISCUSSION ITEMS:

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

#### Agenda Item #

**15-9-1: Public Meeting to Hear a 2015 Legislative Update**

*The Air Resources Board Legislative Director will present a review of air quality and climate change legislation from the first half of the 2015-2016 Legislative Session.*

[More Information](#)

[Staff Presentation](#)

**15-9-2: Public Meeting to Update the Board on Advanced Medium- and Heavy-duty Truck Technology Assessments: Hybrid, Battery Electric, and Fuel Cell Electric Vehicles**

*Staff will provide an informational update to the Board on recently drafted technology assessments for advanced medium- and heavy-duty truck hybrid, battery electric, and fuel cell electric technology. These include advanced technologies that could assist in compliance with the recently proposed federal Phase 2 greenhouse gas standards for medium- and heavy-duty trucks. The technology assessments are intended to support the Air Resources Board planning and regulatory efforts, including California's integrated freight planning and State Implementation Plan development.*

[More Information](#)

[Staff Presentation](#)

**15-9-5: Public Meeting to Hear a Status Report on the 2030 Target Scoping Plan Update**

*Staff will provide the Board with information on the process and schedule for the 2030 Target Scoping Plan Update under the California Global Warming Solutions Act of 2006 (AB 32). Staff will present a summary of progress to date and propose a schedule for public workshops, advisory groups, Board hearings, draft/final work products, and other milestones.*

[More Information](#)

[Staff Presentation](#)

**15-9-3: Public Meeting to Hear an Annual Update on the Cap-and-Trade Program**

Staff will update the Board on the status of California's Cap-and-Trade Program, including information on recent auctions, compliance events, Scoping Plan coordination, and linked programs.

[More Information](#)

[Staff Presentation](#)

**15-9-6: Public Meeting to Update the Board on the United States Environmental Protection Agency's Clean Power Plan Rules**

Staff will update the Board on the United States Environmental Protection Agency's recently finalized "Clean Power Plan" and related rules issued under section 111 of the federal Clean Air Act. Staff will also discuss initial ideas for California's compliance with those rules.

[More Information](#)

[Staff Presentation](#)

**15-9-4: Public Meeting to Update the Board on the Adaptive Management Plan for the Cap-and-Trade Program**

Staff will update the Board on the cap-and-trade adaptive management program. Adaptive management involves establishing a process to track emissions and identify and evaluate potentially significant adverse impacts from cap-and-trade covered facilities. If needed, this process would also identify potential ways for addressing such impacts, which could then be further developed and implemented pursuant to State law.

[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 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.*

*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.*

*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.*

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

*Owner Operator Independent Drivers Association, Inc., United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 14-1192.*

*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, 23<sup>rd</sup> Floor, Sacramento, California 95814**

**(916) 322-5594**

**ARB 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 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**