

BOARD MEETING DATE: September 1, 2017

AGENDA NO. 27

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on June 29 and July 27, 2017, in Sacramento, CA. The following is a summary of those meetings.

RECOMMENDED ACTION:

Receive and File.

Judith Mitchell, Member  
SCAQMD Governing Board

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The California Air Resources Board's (CARB or Board) June meeting was held on June 29, 2017 in Sacramento at the Sacramento County Administration Center. Key items presented are summarized below.

### **DISCUSSION ITEM**

#### **17-7-1: Public Hearing to Consider Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions**

The Board approved amendments to the Mandatory Reporting Regulation (MRR) for Greenhouse Gas Emissions. The MRR is the first of three interrelated items to go before the Board needed to support California's climate change programs. In July, the Board will consider amendments to the Cap-and-Trade Regulation and a compliance plan for the U.S. EPA Clean Power Plan (CPP). The MRR requires California's largest greenhouse gas (GHG) emitters to report, and have verified by a third party, their annual GHG emissions. The amendments to the MRR clarified and improved quantification of GHGs, align reporting requirements with the Cap-and-Trade Regulation and the CPP reporting requirements. The amendments also updated reporting requirements for petroleum and natural gas systems, fuel suppliers, and electric power entities. Finally, the amendments modified the deadline for completing verification from September 1 to August 10 to support Cap-and-Trade implementation by allowing more time for staff to work with reporters and ensure data accuracy prior to allocating allowances and assigning compliance obligations.

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The California Air Resources Board's (CARB or Board) July meeting was held on July 27, 2017 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

**17-8-1: Public Hearing to Consider Proposed Amendments to the Market-Based Compliance Mechanism Regulation (Cap-and-Trade Regulation)**

The Board approved proposed amendments to the Cap-and-Trade Regulation (Regulation). The Regulation is one of the measures to achieve the Assembly Bill (AB) 32 requirement to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020 and the Senate Bill (SB) 32 requirement to further reduce GHG emissions to 40 percent below 1990 levels by 2030. The amendments clarify and streamline select requirements of the Regulation; link the Program with the Ontario, Canada, cap-and-trade program; and extend the Program beyond 2020. Later this year, staff will initiate a new Cap-and-Trade Program rulemaking process to implement requirements of recently signed legislation (AB 398). The Board also certified the Final Environmental Analysis and approved the written responses to comments received on the Draft Environmental Analysis prepared for both the proposed amendments to the Cap-and-Trade Regulation and California's Proposed Compliance Plan for the Federal Clean Power Plan (Agenda Item 17-8-2, below).

**17-8-2: Public Hearing to Consider California's Proposed Compliance Plan for the Federal Clean Power Plan**

The Board approved California's Proposed Compliance Plan (Compliance Plan) to meet the Federal Clean Power Plan (CPP). The CPP fulfills Federal Clean Air Act requirements to limit CO<sub>2</sub> emissions from existing large fossil-fuel-fired electrical generating units (EGUs) and provide reductions in CO<sub>2</sub> emissions of approximately 32 percent from 2005 levels by 2030. The CPP also provides substantial reductions in co-pollutants. States may accept the CPP or develop compliance plans leading to equivalent reductions. The California Compliance Plan requires that EGUs participate in the Cap-and-Trade Regulation, sets interim and final targets and achieves electricity sector reductions beyond Federal targets. The Board also certified the Final Environmental Analysis and approved the written responses to comments received on the Draft Environmental Analysis for both the Proposed Compliance Plan and the proposed amendments to the Cap-and-Trade Regulation.

**17-8-3: Public Meeting to Consider the Volkswagen Zero Emission Vehicles Investment Plan**

The Board approved the Volkswagen (VW) Zero Emission Vehicles Investment Plan (Plan) with an amendment to encourage the VW subsidiary Electrify America hire contractors from within local and disadvantaged communities to expand zero emission vehicle (ZEV) infrastructure. Appendix C of the Plan requires VW to invest \$800 million in the Plan over 10 years in four consecutive \$200 million 30-month cycles. The investment will support increased ZEV infrastructure (including the development and maintenance of ZEV charging stations), public awareness, increasing ZEV access, and the establishment of a “Green City” with emphasis on transportation electrification projects like car sharing, electric taxis, and zero-emission freight vehicles. The Plan includes a goal that more than 35 percent of the 1,500 plus census tracts prioritized for community charging investments will be in disadvantaged or low-income communities and will increase the charging density within metro areas.

**Attachments**

CARB June 29, 2017 and July 27, 2017 Meeting Agendas

**PUBLIC MEETING AGENDA**

**June 29, 2017**

**Webcast**

**LOCATION:**

Sacramento County Administration Center  
700 H Street, Room 1450  
Sacramento, CA 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  
June 29, 2017  
10:00 a.m.**

**DISCUSSION ITEMS:**

**Agenda Item #**

**17-7-1: 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 17-7-1.

*The Board will consider approving proposed amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions needed to support California's climate change programs. This is the second of two Board hearings on the item.*

[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 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 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.*

*Kimberly-Clark Worldwide, Inc. v. California Air Resources Board, et al., Sacramento County Superior Court, Case No. 34-2015-80002246.*

*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.

*POET, LLC, et al. v. California Air Resources Board, et al.*, Superior Court of California (Fresno County), 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.*, Superior Court of California (Fresno County), 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.

*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.

*Transportation Solutions Defense and Education Fund v. California Air Resources Board*, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff's transfer to Sacramento Superior Court, Case No. 34-2014-80001974-CU-WM-GDS).

*Adam Brothers Farming, Inc. v. California Air Resources Board, et al.*, Santa Barbara County Superior Court, Case No. 15 CV04432.

*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.

*Hamilton v. California Air Resources Board, et al.*, U.S. District Court for the Eastern District of California, Case No. 1:15-CV-01942-AWI-SKO.

*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.

*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.

*Owner-Operator Independent Drivers Association Inc. et al. v. 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), plaintiffs' appeal U.S. Court of Appeals, Ninth Circuit, Case Nos. 15-72101 and 15-16429.

*California Air Resources Board v. Bombardier Recreational Products*, Los Angeles Superior Court, Case No. BC608480.

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

*California Air Resources Board v. SSA Containers, Inc.*, Los Angeles County Superior Court, Case No. BC628573 and No. BC628722.

*California Air Resources Board v. West Coast Diesel, Inc.*, Fresno County Superior Court, Case No. 15 CECG 03337.

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

*People of the State of California ex rel. California Air Resources Board v. Marten Transport Logistics, LLC*, Los Angeles County Superior Court, Case No. BC645288.

*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).

*Mahan v. California Air Resources Board*, Sacramento County Superior Court, Case No. 34-2016-80002416.

**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.)

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**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**

**PUBLIC MEETING AGENDA**

**July 27, 2017**

**[Webcast](#)**

**LOCATION:**

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

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:

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**Thursday  
July 27, 2017  
9:00 a.m.**

**DISCUSSION ITEMS:**

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

**Agenda Item #**

**17-8-1: Public Hearing to Consider Proposed Amendments to the Market-Based Compliance Mechanism Regulation (Cap-and-Trade Regulation)**

**Spanish translation will be provided at the Board Meeting for this item, Item 17-8-1.**

*The Board will consider approving proposed amendments to the Cap-and-Trade Regulation. The proposed amendments would enhance current Program implementation and oversight; link the Program with the Ontario, Canada program; and provide that the Program extends beyond 2020.*

*Consistent with legislative direction, following this Board hearing, ARB will initiate a new rulemaking process to implement the AB 398 requirements for the post-2020 Cap-and-Trade Program.*

*The Board will also consider certifying the Final Environmental Analysis and approving the written responses to comments received on the Draft Environmental Analysis. The Final Environmental Analysis and the written responses to comments were prepared for both the proposed amendments to the Cap-and-Trade Regulation and the Proposed Compliance Plan (Agenda Item 17-8-2, below).*

*This is the second of two Board hearings on this item. This action completes a multi-year regulatory process.*

**[More Information](#)**

**[Staff Presentation](#)**



**17-8-2: Public Hearing to Consider California's Proposed Compliance Plan for the Federal Clean Power Plan**

Spanish translation will be provided at the Board Meeting for this item, Item 17-8-2.

*The Board will consider California's Proposed Compliance Plan for the Federal Clean Power Plan, which requires that California limit greenhouse gas emissions from many large power plants. The Board will also consider certifying the Final Environmental Analysis and approving the written responses to comments received on the Draft Environmental Analysis. The Final Environmental Analysis and the written responses to comments were prepared for both the Proposed Compliance Plan and the proposed amendments to the Cap-and-Trade Regulation (Agenda Item 17-8-1, above).*

*This is the second of two Board hearings on this item.*

[More Information](#)

[Staff Presentation](#)

**17-8-3: Public Meeting to Consider the Volkswagen Zero Emission Vehicles Investment Plan**

*The Board will hear a staff assessment of the Volkswagen Zero Emission Vehicles Investment Plan (Plan), including the Supplement, and will consider approving the Plan, in whole or in part.*

[More Information](#)

[Staff Presentation](#)

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