

BOARD MEETING DATE: January 5, 2018

AGENDA NO. 17

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on December 14, 2017, in Sacramento, CA. The following is a summary of this meeting.

RECOMMENDED ACTION:
Receive and file.

Judith Mitchell, Member
SCAQMD Governing Board

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The California Air Resources Board's (CARB or Board) December meeting was held on December 14, 2017 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

17-12-3: Public Meeting to Hear an Informational Update on Senate Bill 375 Greenhouse Gas Emissions Reduction Targets

The Board heard an informational update regarding the status of the next round of regional GHG per capita reduction targets for California's Metropolitan Planning Organizations (MPOs) as required by the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375). The Board initially established GHG reduction targets in 2010 for all 18 MPOs and is required by Senate Bill 375 to update the GHG reduction targets every eight years. Staff informed the Board on feedback it has received from the October proposed targets. In response to the feedback, staff will adjust 2035 targets to reflect updated information and stakeholder comments, and proposes to incorporate added reporting and tracking of investments, project performance, and implementation efforts. Staff will bring a revised proposal for updated GHG targets to the Board for consideration in early 2018.

17-12-1: Public Meeting to Consider the 2017 Climate Change Scoping Plan Update

The Board approved the 2017 Climate Change Scoping Plan Update (Update) along with the related Environmental Analysis (EA) and written responses to comments received on the EA. The Update described the State's strategy for achieving California's 2030 GHG target of 40 percent reductions from 1990 levels pursuant to Senate Bill 32. The Update provides a balanced approach to achieve the 2030 target and considered cost-effectiveness, prioritizing direct emissions reductions, and minimizing leakage. The final Update includes extending the Cap-and-Trade program post-2020, implementation of the Short-Lived Climate Pollutant Plan and the Mobile Source Strategy, supporting sustainable community development, enhancing the Low Carbon Fuel Standard, increasing renewable energy generation and improving energy efficiency. A status report on implementation of the Scoping Plan will be provided to the Board annually by the Executive Officer.

17-12-4: Public Meeting to Consider the Proposed Fiscal Year 2017-18 Funding Plan for Clean Transportation Incentives

The Board approved the Proposed Fiscal Year 2017-18 Funding Plan for Clean Transportation Incentives (Funding Plan). The Funding Plan describes investments from four related funding sources: the Low Carbon Transportation Program funded with Cap-and-Trade auction proceeds; the Air Quality Improvement Program; the one-time Volkswagen settlement funding for zero emission vehicle aspects of vehicle replacement programs; and the one-time funding for Zero/Near Zero Emission Warehouse Program. These programs provide incentives for clean vehicle and equipment projects to reduce GHG, criteria pollutant and toxic emissions with a priority on benefiting disadvantaged and low-income communities and households. The Funding Plan builds on investments from previous funding cycles and will accelerate commercialization of zero-emission technologies and significantly increase funding for transformative freight funding. The Funding Plan also expands disadvantaged community and low-income projects and increases outreach to these communities to encourage participation in the programs and help with access to the funding.

Attachment

CARB December 14, 2017 Meeting Agenda



PUBLIC MEETING AGENDA

December 14, 2017

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 14, 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 #

17-12-3: Public Meeting to Hear an Informational Update on Senate Bill 375 Greenhouse Gas Emissions Reduction Targets

The Board will hear an informational update regarding the status of the regional target update process for California's Metropolitan Planning Organizations (MPO) required by the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375). Senate Bill 375 requires the Board to establish regional greenhouse gas emissions reduction targets for all 18 MPOs in California and to update those targets every eight years. The targets were initially established in 2010 and must be updated in 2018. The Board will not vote on targets at this meeting; Staff's proposed updated targets will be brought to the Board for a vote in 2018.

17-12-1: Public Meeting to Consider the 2017 Climate Change Scoping Plan Update

Spanish translation will be provided at the Board Meeting for this item, Item 17-12-1.

The Board will consider approving the 2017 Climate Change Scoping Plan Update (Update) along with the Environmental Analysis (EA) prepared for the Update and written responses to environmental comments received on the EA. The Update describes the State's proposed strategy for achieving California's 2030 greenhouse gas target pursuant to Senate Bill 32, Assembly Bill 197, and Assembly Bill 398. The strategy includes extending the Cap-and-Trade program post-2020, implementation of the Short-Lived Climate Pollutant Plan and Mobile Source Strategy, and increasing renewable energy generation and improving energy efficiency end use. This is the last of three Board hearings on this item.

17-12-4: Public Meeting to Consider the Proposed Fiscal Year 2017-18 Funding Plan for Clean Transportation Incentives

The Board will consider approving the Proposed Fiscal Year 2017-18 Funding Plan for Clean Transportation Incentives. The plan describes proposed investments from four related funding sources: the Low Carbon Transportation Program funded with Cap-and-Trade auction proceeds; the Air Quality Improvement Program; one-time Volkswagen settlement funding for the zero emission vehicle aspects of vehicle replacement programs; and one-time funding for the Zero/Near Zero Emission Warehouse Program. These programs provide incentives for clean vehicle and equipment projects to reduce greenhouse gas emissions and air pollution with a priority on benefiting disadvantaged and low-income communities and low-income households. Staff's proposal builds on investments from previous funding cycles by continuing incentives for zero-emission and plug-in passenger cars, clean trucks and buses, and advanced technology freight projects. The plan also includes a three-year strategy for heavy-duty vehicle investments to guide these funding decisions.

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 et al. v. U.S. Department of Transportation et al., United States District Court, Northern District of California, Case No. 4:17-CV-05439.

In re La Paloma Generating Company, LLC, U.S. Bankruptcy Court, District of Delaware, Case No. 16-bk-12700.

Mexichem Fluor Inc. v. United States Environmental Protection Agency et al., U.S. Court of Appeals, District of Columbia Circuit, Case Nos. 15-1328 and 15-1329.

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 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.

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.

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.

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.

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. 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).

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.)

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.