

BOARD MEETING DATE: July 6, 2018

AGENDA NO. 24

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on May 25, 2018, in Sacramento, CA. The following is a summary of the 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) held a meeting on May 25, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

DISCUSSION ITEMS

18-4-1: Public Meeting to Consider the PM2.5 State Implementation Plan for Imperial County

The Board approved the Imperial County State Implementation Plan addressing the annual 12 ug/m³ PM2.5 standard (2018 PM2.5 Plan). The 2018 PM2.5 Plan demonstrates that Imperial County will attain the PM2.5 standard in 2021 absent cross-border emissions from Mexicali, Mexico. In addition, the Plan identifies several rules the Imperial County Air Pollution Control District proposes to adopt to reduce PM2.5 emissions on the Imperial County side of the U.S.-Mexico border. CARB will submit the 2018 PM2.5 Plan to U.S. EPA as a revision to the California State Implementation Plan. The Board also heard an update on efforts by the Mexican government to reduce cross-border PM impacts from Mexicali. The Board directed staff to report back in October on an Imperial County-Mexicali work plan containing actions to improve air quality at the border.

18-4-2: Public Hearing to Consider Proposed Amendments to the Consumer Products Regulation and Method 310

The Board approved amendments to the consumer products regulation that establish an alternate compliance option for multi-purpose lubricant (MPL) products, prohibit high Global Warming Potential compounds in MPL products, and extend the effective date of the 10 percent by weight *volatile organic compounds* (VOC) limit to July 1, 2019. The amendments achieve three objectives: First, to maintain the ozone air quality benefits from consumer products claimed in the State Implementation Plan that the 10 percent VOC limit is expected to achieve by allowing manufacturers to meet an ozone reactivity-based, rather than mass-based, standard; Second, to provide compliance flexibility to manufacturers that would enable them to continue to offer effective products to consumers and still achieve similar ozone air quality benefits to those that comply with the mass-based 10 percent by weight VOC limit; Third, to achieve these objectives without significantly impacting compliance costs or increasing the cost of MPL products on the market. The Board also approved amendments to CARB Test Method 310 that will improve the clarity of the test method.

18-4-3: Public Hearing to Consider Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and Periodic Smoke Inspection Program

The Board approved amendments to the Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP). The HDVIP allows CARB enforcement staff to inspect heavy-duty (HD) trucks and buses for compliance with opacity limits, labeling, and other requirements. The PSIP requires California HD diesel vehicle fleets to annually test their vehicles for compliance with the opacity limits. The approved amendments lower the allowable opacity limit for HD vehicles operating in California for both the HDVIP and PSIP, establish reporting requirements for the PSIP, require smoke tester training, and allow 2013 model year and newer engines to report on-board diagnostic data in lieu of performing the annual PSIP smoke test.

18-4-5: Public Meeting to Consider California's Beneficiary Mitigation Plan for the Volkswagen Environmental Mitigation Trust

The Board approved California's Beneficiary Mitigation Plan (Plan) for the Volkswagen (VW) Environmental Mitigation Trust (Trust). The Trust is an element of the VW settlement and is intended to fully mitigate the lifetime excess oxides of nitrogen (NOx) emissions caused by the subject VW diesel vehicles. The Plan describes the proposed mitigation actions to be funded from California's \$423 million allocation of the \$3 billion national Trust. The Plan balances investment to fully mitigate NOx with the

state's long-term air quality, climate change, zero-emission vehicle deployment, and petroleum reduction goals. Projects in the Plan include funding for zero-emission school and shuttle buses, freight and drayage trucks, and projects targeting freight and marine facilities. Senate Bill 92, passed in June 2017, requires CARB to ensure that at least 35 percent of the state's allocation benefits disadvantaged or low-income communities. Staff reported that 50 to 75 percent of the funds allocated to California will go to projects benefiting disadvantaged or low-income communities. The Plan will also fund light-duty zero-emission vehicle infrastructure in California.

Attachment

CARB May 25, 2018 Meeting Agenda



PUBLIC MEETING AGENDA

Friday, May 25, 2018

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>

**Friday
May 25, 2018
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Item

18-4-1: Public Meeting to Consider the PM_{2.5} State Implementation Plan for Imperial County

Spanish translation will be provided at the Board Meeting for this item, Item 18-4-1.

The Board will consider adopting the PM_{2.5} State Implementation Plan (Plan) for Imperial County for the annual 12 ug/m³ PM_{2.5} standard. If adopted, the California Air Resources Board will submit the Plan to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.

[More Information](#)

[Staff Presentation](#)

18-4-2: Public Hearing to Consider Proposed Amendments to the Consumer Products Regulation and Method 310

The Board will consider staff's proposed amendments to the consumer products regulation to establish an alternate compliance option for multi-purpose lubricant (MPL) products. The amendments would achieve three objectives: First, to maintain the ozone air quality benefits of the 1.27 ton per day reductions in VOC emissions claimed in the State Implementation Plan (SIP) that the 10 percent VOC limit would achieve. Second, to provide compliance flexibility to manufacturers that would enable them to continue to offer effective products to consumers by achieving similar ozone air quality benefits to those that comply with the mass-based 10 percent by weight VOC limit. Third, to achieve these objectives without significantly impacting compliance costs or increasing the cost of MPL products on the market. The Board will also hear proposed amendments to CARB Test Method 310 that will improve the clarity of the test method, update publication dates of test methods previously incorporated by reference, and include additional reference methods for the purposes of implementing the alternate compliance option.

[More Information](#)

[Staff Presentation](#)

18-4-3: Public Hearing to Consider Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and Periodic Smoke Inspection Program

The Board will consider proposed amendments to the Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP). The HDVIP allows CARB enforcement staff to inspect HD trucks and buses for compliance with opacity limits, labeling, and other requirements. The PSIP requires California HD diesel vehicle fleets to annually test their vehicles for compliance with the opacity limits. The proposed amendments lower the allowable opacity limit for HD vehicles operating in California for both the HDVIP and PSIP, establish reporting requirements for the PSIP and smoke tester training requirements, and allow 2013 model year and newer engines to report on-board diagnostic data in lieu of performing the annual PSIP smoke test.

[More Information](#)

[Staff Presentation](#)

18-4-4: Public Meeting to Consider California's Beneficiary Mitigation Plan for the Volkswagen Environmental Mitigation Trust

The Board will consider approval of California's Beneficiary Mitigation Plan for the Volkswagen (VW) Environmental Mitigation Trust. The Plan describes the proposed mitigation actions to be funded from California's \$423 million allocation of the \$3 billion national Trust. The Trust is an element of the VW settlement and is intended to fully mitigate the lifetime excess oxides of nitrogen (NOx) emissions caused by the subject VW diesel vehicles. Staff's proposal includes funding for heavy-duty vehicle and equipment replacements, freight and marine projects, and light-duty zero-emission vehicle infrastructure. In addition to fully mitigating the excess NOx, the proposed funding will support the State's air quality, climate change, zero-emission vehicle deployment, and petroleum reduction goals. Senate Bill 92, passed in June 2017, requires CARB to strive to ensure at least 35 percent of the State's allocation benefit disadvantaged or low-income communities. Staff expects at least 50 percent of the proposed project allocations will benefit disadvantaged or low-income communities.

[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.

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; 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.

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.

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.

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.

States of New York, California, Vermont, and Maryland, and the Commonwealth of Pennsylvania v. National Highway Traffic Safety Administration, U.S. Court of Appeals, Second Circuit, Case Nos. 17-2780(L) and 17-2806.

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.

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.

SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD