

BOARD MEETING DATE: September 4, 2020

AGENDA NO. 28

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on August 27, 2020.
The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Judith Mitchell, Member
South Coast AQMD Governing Board

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The California Air Resources Board (CARB or Board) meeting on August 27, 2020 was conducted remotely via a web-based videoconferencing service. Key items presented are summarized below.

DISCUSSION ITEMS

20-8-3: Recognition from the Northern Sonoma County Air Pollution Control District

Rob Bamford, the Air Pollution Control Officer of the Northern Sonoma County Air Pollution Control District (APCD), presented a resolution in appreciation of the California Air Resources Board's Monitoring and Laboratory Division Incident Air Monitoring Section for their support during the 2019 Kincade Fire. The Board appreciated the APCD's resolution and highlighted the importance of partnerships between the State and districts in providing necessary air quality data for the public and local health officials during wildfire incidents.

20-8-1: Public Hearing to Consider Proposed Control Measure for Ocean-Going Vessels At Berth

The Board adopted the Control Measure for Ocean-Going Vessels At Berth (At Berth Measure). The At Berth Measure will supersede the existing At-Berth Regulation and achieve an additional 50 percent or more reduction of NO_x and diesel fine particulate matter beyond the current regulations in 2031. This regulation is critical to meeting the ozone and PM standards in California, will provide reductions of greenhouse gases, reactive organic gases, and black carbon. These reductions are critical to the health of Californians living and working near the ports that are heavily impacted by air pollution associated with freight sources. For these, primarily disadvantaged, communities, the health benefits of the At Berth Regulation will be reduced mortality, hospitalizations, and emergency room visits. In addition, the At Berth Regulation will reduce the potential cancer risk from at berth emissions by approximately 55 percent. The emission reductions from the At Berth Regulation will be achieved through electrification or other clean control technology of new vessel categories (such as vehicle carriers and tanker vessels), additional ports, and independent marine terminals. This was the third and final hearing for this item.

South Coast AQMD Staff Comments/Testimony: Zorik Pirveysian, Planning and Rules Manager, provided testimony and highlighted the importance of reducing emissions from this category, as ocean-going vessels (OGVs), combined with harbor craft, will represent one of the largest source of NO_x emissions in the South Coast Air Basin. Emission reductions from OGVs are therefore essential in meeting upcoming ozone attainment deadlines as well as providing public health benefits in nearby communities. Staff strongly supported the adoption of the Proposed At-Berth Regulation and offered a recommendation to accelerate the requirements for container ships, reefers and cruise ships by starting the compliance date one year earlier.

20-8-2: Public Hearing to Consider Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments

The Board adopted the Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments (Omnibus Regulation). The Omnibus Regulation will establish new heavy-duty exhaust emission standards, new test procedures, and other emission-related requirements for 2024 and subsequent model year California-certified on-road heavy-duty engines. The Omnibus Regulation implements two measures from CARB's 2016 State Strategy for the State Implementation Plan: the "Low-NO_x Engine Standard" which will reduce NO_x emissions from new engines by 90 percent; and the "Lower In Use Emission Performance Level," which will ensure heavy-duty vehicles on the road continue to maintain emissions controls throughout their useful lives. These measures are critical to attainment of ozone and PM_{2.5} standards in the South Coast Air Basin and San Joaquin Valley. The Omnibus Regulation also includes a provision to

incentivize the production of heavy-duty zero-emission vehicles encouraging manufacturers to meet the advanced clean truck regulation requirements and giving them extra credit if they do so early. The reductions from the Omnibus Regulation will provide significant regional health benefits to all Californians with the greatest benefits to disadvantaged communities that are typically located near transportation corridors where heavy-duty engines operate. Support for the Omnibus Regulation included California Air Districts, local government, environmental and environmental justice organizations in addition to other states needing reductions from heavy-duty vehicles to meet federal pollution standards. Board Member Mitchell noted during public comment that the CARB needs to do more to work with South Coast AQMD and identify how the emission reductions will be achieved in order to meet the attainment deadlines. CARB staff committed to work with South Coast AQMD to further identify emission reduction strategies.

South Coast AQMD Staff Comments/Testimony: Wayne Nastri, Executive Officer, provided public comment in support of the proposed regulation and highlighted South Coast's urgent need to reduce NOx emissions to meet the attainment deadlines. Additionally, he raised concerns, as detailed in the South Coast AQMD comment letter, regarding the lack of sufficient NOx reductions needed in the South Coast AQMD, accelerating the 0.02 g/bhp-hr standard sooner than proposed, stringency items such as tighter NOx limits for proposed 2024 LLC and 50 State Directed Standard, and accelerating the schedule for the proposed 0.01 g/bhp-hr Optional Low NOX Standard. Lastly, his comments included a suggestion to limit ZEV credits for early compliance and surplus sales. He noted that the projected emission reductions in the proposed Omnibus regulation were not enough to help the South Coast AQMD in meeting the NOx reductions needed, but further emphasized that every ton of NOx reduced is a step towards meeting the goal. He urged CARB to develop a comprehensive plan to help South Coast to reach attainment.

Attachments

CARB August 27, 2020 Meeting Agenda



PUBLIC MEETING AGENDA

**Thursday,
August 27, 2020**

In accordance with Governor Newsom's Executive Orders [N-29-20](#) and [N-33-20](#) as well as recommendations from the California Department of Public Health, the August 27, 2020, Board Meeting will not have a physical location to attend in person. This will be a remote-only meeting.

The Board Meeting will be conducted remotely via a web-based videoconferencing service called Zoom. Members of the public who wish to comment verbally can register for the webinar.

[Register for the Webinar](#) – for those that plan to comment at the hearing.

Alternatively, during the Board Meeting, members of the public can offer verbal comments by calling in via telephone. Members of the public do not have to register beforehand if they call in using the number below.

Phone Number: (669) 900-6833
Webinar ID: 854 9882 4135

To watch the webinar only and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by CARB during normal Board Meetings. 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.

[Webcast](#) – for those that only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)
[Como Participar en la Reunión de la Junta a distancia](#)

Spanish translation will be provided at the August 27, 2020 Board Meeting

**Thursday
August 27, 2020
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Item #

20-8-3 Recognition from the Northern Sonoma Air Pollution Control District

Air Pollution Control Officer Rob Bamford from Northern Sonoma County Air Pollution Control District would like to present a resolution from his Board in appreciation of CARB's Monitoring and Laboratory Division Incident Air Monitoring Section for their support during the 2019 Kincade Fire.

[Presentation](#) [Board Item Materials](#) [Written Comments](#)

20-8-1: Public Hearing to Consider Proposed Control Measure for Ocean-Going Vessels At Berth

The Board will consider adoption of the Control Measure for Ocean-Going Vessels At Berth (Control Measure). The Board will also consider certification of the Environmental Analysis prepared for the Control Measure. The Proposed Regulation will supersede the existing At-Berth Regulation, as specified, and is designed to achieve further reductions in emissions from vessels at berth to reduce adverse health impacts to communities surrounding ports and terminals throughout California. Emission reductions will be achieved through the inclusion of new vessel categories (such as vehicle carriers and tanker vessels), new ports, and independent marine terminals. This is the third hearing of three for this item.

[More Information](#) [Presentation](#) [Board Item Materials](#) [Written Comments](#)

[Supplemental Response to Comments](#) (Posted 8/27/2020 at 11:30 a.m.)

20-8-2: Public Hearing to Consider Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments

The Board will consider proposed amendments to the exhaust emission standards and test procedures for 2024 and subsequent model year heavy-duty engines, the heavy-duty in-use testing program, the emissions warranty and useful life period requirements, the heavy-duty durability demonstration program, the emissions warranty information and reporting requirements and corrective action procedures, the heavy-duty on-board diagnostic system requirements, the Phase 2 greenhouse gas regulation, and other requirements.

[More Information](#) [Presentation](#) [Guest Presentation](#) [Board Item Materials](#)

[Written 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:

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.

American Lung Association, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1140.

California v. Stout, et al., United States District Court, Central District of California, Case No. 2:20-cv-00371.

California v. Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 19-1239.

California Air Resources Board v. Key Disposal, Inc. and John Katangian, Los Angeles Superior Court, Case No. BC650014.

California Air Resources Board v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1085.

California Air Resources Board v. United States Environmental Protection Agency and National Highway Traffic and Safety Administration, United States District Court, District of Columbia Case No. 1:19-cv-00965-CKK.

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250.

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.

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.

In re Pacific Gas and Electric Company, U.S. Bankruptcy Court, Northern District of California, Case No. 19-30089.

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.

Sowinski v. California Air Resources Board, et al., United States District Court, Northern District of California, No. 3:18-cv-03979-LHK.

State of California v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 18-1096.

State of California, et al., v. Chao, et al., United States District Court, District of Columbia, Case No. 1:19-cv-02826.

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.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District Court of Columbia Circuit, Case No. 19-1227.

State of California, et al., v. United States Environmental Protection Agency, United States District Court, Northern District of California, Case No. 4:18-cv-03237.

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 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.

People v. Southern California Gas Company, Los Angeles Superior Court, Case No. BC 602973.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG01494.

United States v. California, United States District Court, Eastern District of California, Case No. 2:19-cv-02142-WBS-EFB.

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. The public will also have an opportunity to [submit written comments](#) for open session the morning of the Board Meeting.

[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.

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.