

BOARD MEETING DATE: January 7, 2022

AGENDA NO. 20

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held a meeting on December 9, 2021. The following is a summary of the meeting.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

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The California Air Resources Board (CARB or Board) held a meeting remotely on December 9, 2021 via a web-based videoconferencing service. The key items presented are summarized below.

DISCUSSION ITEMS

21-13-2: Public Hearing to Consider Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions

The Board adopted amendments to the Small Off-Road Engine (SORE) regulation. The SORE regulation applies to spark-ignition engines with rated power at or below 19 kilowatts (25.5 horsepower) predominantly used in lawn and garden equipment such as lawn mowers, string trimmers, and leaf blowers, as well as in other small off-road equipment such as portable generators, pressure washers, and air compressors. In California, the relative contribution of smog-forming emissions from SORE is increasing and already surpasses the emissions from light-duty passenger cars. By 2031, emissions from SORE are projected to be nearly twice the emissions of passenger cars. The amendments to the SORE regulation will accelerate the transition of SORE to zero emissions. Starting in model year 2024, the SORE regulation will set evaporative and exhaust emission standards to zero for new SORE except for portable generators and large pressure washers which will have additional time for complying with zero

emissions requirements. These specialized pieces of equipment will be required to meet more stringent standards in 2024 and then zero-emission standards starting in 2028. Deployment of zero-emission SORE is key to meeting several air quality and greenhouse gas emission reduction goals in California. Specifically, the SORE regulation is critical to meeting the goals of the 2016 State Implementation Plan Strategy, the California Executive Order N-79-20 that requires the transition of off-road vehicles and equipment to 100 percent zero-emission by 2035 where feasible, and to meet the requirement of California Assembly Bill (AB) 1346 (Chapter 753, Stats. of 2021) to adopt cost-effective and technologically feasible regulations by July 1, 2022 prohibiting engine exhaust and evaporative emissions from new small off-road engines. The SORE regulation will provide significant health benefits for Californians by reducing premature deaths, hospital visits for cardiovascular and respiratory illnesses, and emergency room visits for asthma, especially in sensitive groups including children, the elderly, and people with chronic heart or lung disease. The regulation will also provide benefits for disadvantaged communities since many of the users of commercial SORE in California, who have chronic levels of exposure to SORE exhaust, come from underserved and minority communities.

South Coast AQMD Staff Comments/Testimony: Staff provided testimony in support of the proposed amendments, noting that the SORE source category contributes substantial VOC emission reductions to our air basin and that these emission reductions will help to attain federal ozone standards. Staff further pointed out that both the NO_x and VOC reductions expected from the regulation will help meet Clean Air Act Reasonable Further Progress (RFP) requirements. VOCs associated with the SORE course category contain toxic air species and reducing these emissions will have important public health benefits.

21-13-3: Public Hearing to Consider the Proposed Heavy-Duty Inspection and Maintenance Program

The Board adopted the Proposed Heavy-Duty Inspection and Maintenance Regulation (HD I&M Regulation). In California, nongasoline on-road heavy-duty (HD) vehicles with a gross vehicle weight rating greater than 14,000 pounds are responsible for over 50 percent of the on-road ozone and fine particulate matter precursor emissions, even though HD vehicles only represent about 3 percent of total on-road vehicles. Senate Bill (SB) 210 (Leyva, Chapter 5.5, Statutes of 2019) directed CARB to develop the HD I&M Regulation to control emissions more effectively from HD vehicles operating in California. The HD I&M Regulation will require owners of HD vehicles to periodically demonstrate their vehicles' emissions control systems are properly functioning to better ensure that emissions control systems on HD vehicles are operating as designed or are repaired in a timely manner when they malfunction. The HD I&M Regulation will roll out a statewide network of roadside emission monitors to screen for high emitting trucks, starting in the San Joaquin Valley and South Coast then expanding to the rest of

the state. The HD I&M Regulation will ensure HD vehicles operate with low emissions throughout their useful lives to achieve equitable clean air for all Californians, with the greatest benefits in major populated regions and economically disadvantaged communities near heavy trucking traffic areas.

Attachment

CARB December 9, 2021 Meeting Agenda



Revised 12/03/2021

Public Meeting Agenda

Thursday, December 9, 2021

In accordance with recently enacted legislation, [Assembly Bill 361](#) (Chapter 165, Stats. of 2021) the December 9, 2021, meeting of the California Air Resources Board will not have a physical location open to the public. It will be a remote-only meeting conducted 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 who wish to comment verbally 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: 859 6297 1011

To only watch the Board Meeting and not provide verbal comments, please view the webcast. The webcast is the same video stream offered by the California Air Resources Board (CARB or Board) 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 who only plan to observe the hearing.

[How to Participate in the Remote Board Meeting](#)

Spanish and Punjabi interpretation will be provided for the December 9, 2021, Board Meeting.

[Agenda de la Reunión Pública](#)

[¿Cómo participar en la Reunión Remota del Consejo?](#)

[ਜਨਤਕ ਮੀਟਿੰਗ ਦਾ ਏਜੰਡਾ](#)

[ਰਿਮੋਟ ਬੋਰਡ ਮੀਟਿੰਗ ਵਿੱਚ ਕਿਵੇਂ ਭਾਗ ਲੈਣਾ ਹੈ](#)

Thursday, December 9, 2021 @ 9:00 a.m.

Discussion Items:

*****The following change was made to the agenda.***

21-13-1: Public Meeting to Consider the Proposed South Coast PM2.5 Redesignation Request and Maintenance Plan

*****This item has been removed from the agenda.***

21-13-2: Public Hearing to Consider Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions

The Board will consider the proposal to amend regulations and certification and test procedures for small off-road engines (SORE). The amendments are necessary to accelerate the transition of SORE to zero emissions to reduce emissions. Deployment of zero-emission equipment is key to meeting the expected emission reductions in the 2016 State Implementation Plan Strategy and the goals of California Executive Order N-79-20.

- [More Information](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

21-13-3: Public Hearing to Consider the Proposed Heavy-Duty Inspection and Maintenance Regulation

The Board will consider the adoption of the Proposed Heavy-Duty Inspection and Maintenance Regulation. This new regulation requires owners of non-gasoline heavy-duty vehicles with gross vehicle weight ratings over 14,000 pounds to periodically demonstrate that their vehicles' emissions control systems are properly functioning in order to legally operate within the state. This regulation is designed to achieve criteria emissions reductions by ensuring that malfunctioning emissions control systems are timely repaired. This proposed regulation would replace the California Air Resources Board's existing heavy-duty vehicle inspection programs.

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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 Lung Association, et al. v. United States Environmental Protection Agency, et al. (D.C. Cir. 2021) 985 F.3d 914, cert. granted sub nom. *Westmoreland Mining Holdings v. EPA* (U.S., Oct. 29, 2021, No. 20-1778).

Best Energy Solutions & Technology Corp., et al v. California Air Resources Board, et al., Kern County Superior Court, Case No. BCV-20-102198.

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, et al. v. United States Environmental Protection Agency, United States Court of Appeals for the District of Columbia Circuit, Case No. 21-1024.

California, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1014.

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

Clean Energy Renewable Fuels, LLC v. California Air Resources Board, Orange County Superior Court, Case No. 30-2020-01167039-CU-WM-CJC.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145 (consolidated with No. 20-1167).

Environmental Defense Fund, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1360.

Friends of Oceano Dunes, Inc. v. California Coastal Commission, et al., U.S. District Court for the Central District of California, Case No. 2:17-cv-8733.

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985.

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 v. Wheeler et. al., District of Columbia Circuit, Case No. 19-1239, consolidated under No. 19-1230 along with Nos. 19-1241, 19-1242, 19-1243, 19-1245, 19-1246, and 19-1249.

State of California, et al., v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1359.

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; United States Court of Appeals, Ninth Circuit, Case No. 20-16793.

State of California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1018.

State of New York, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 21-1026.

State of New York, et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 21-1028.

State of Massachusetts v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1265.

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; United States Court of Appeals, Tenth Circuit, Case No. 20-8073.

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.

Western States Petroleum Association v. California Air Resources Board, Los Angeles County Superior Court, Case No. 20STCP03138x.

Westmoreland Mining v. EPA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1160.

W.O. Stinson & Son LTD. v. Western Climate Initiative, Inc., Ontario Canada Superior Court, Case No. CV-20-00083726-0000.

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.

Other Information

[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.

Acomodación Especial

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 electronico 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.