

BOARD MEETING DATE: March 4, 2022

AGENDA NO. 28

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held meetings on February 10, 2022, and February 24 & 25, 2022. The following are summaries of the meetings.

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 February 10, 2022 via a web-based videoconferencing service. The key item presented is summarized below.

DISCUSSION ITEM

22-2-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Fourth Annual Selection of Communities

The Board approved the fourth annual selection of new communities for the Community Air Protection Program (Program). The Program was developed by CARB as directed by Assembly Bill 617 (C. Garcia, Stats. of 2017) to reduce exposure in communities most impacted by air pollution. The Board selected two new communities to join the fifteen communities previously selected. The communities selected will see additional focused action to reduce air pollution exposure through the development and implementation of community emissions reduction programs and/or community air monitoring. The new communities selected are the East Oakland Community in the Bay Area Air Quality Management District and the International Border Community (San Ysidro/Otay Mesa) in the San Diego Air Pollution Control District. Both communities were selected to develop a Community Emissions Reduction Program to improve air quality in the community neighborhoods. In addition, the San Ysidro/Otay Mesa community was also selected to develop a community air monitoring plan. The communities will work in partnership with their local air district in crafting community-

specific plans to reduce both air pollution emissions and exposures using a variety of strategies based on incentives, enhanced enforcement, and rulemaking. Staff also discussed the need to reexamine the program and its approach to better serve communities most impacted by air pollution.

The California Air Resources Board (CARB or Board) held a meeting remotely on February 24, 2022 via a web-based videoconferencing service. The key items presented are summarized below.

DISCUSSION ITEMS

22-3-1: Public Hearing to Consider Proposed 2021 Amendments to Area Designations for State Ambient Air Quality Standards

The Board approved amendments to the California area designation regulations to reflect current air quality data. The area designations are labels that describe the healthfulness of the air quality in each area. The Health and Safety Code section 39608 requires CARB to annually review air quality designations for areas in California with respect to the State ambient air quality standards, and to amend the designations if appropriate. Based on a review of air quality data collected during 2018 through 2020, the Board changed the designation of several areas in California. For the State nitrogen dioxide (NO₂) standard, the Board changed the designation of the CA Highway 60 near-road portion of San Bernardino, Riverside, and Los Angeles Counties in the South Coast Air Basin from nonattainment to attainment. For the State suspended particulate matter (PM₁₀) standards, the Board changed the designation of Mendocino County in the North Coast Air Basin from nonattainment to attainment, and for the State fine particulate matter (PM_{2.5}) standard, the Board changed the designation of Santa Barbara County in the South Central Coast Air Basin from unclassified to attainment.

22-3-3: Public Hearing to Consider Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate

The Board approved amendments to the Transport Refrigeration Units Airborne Toxic Control Measure (TRU ATCM). The TRU ATCM was first adopted in 2004 to reduce diesel particulate matter (PM) emissions and resulting health risk from diesel-powered TRUs used to control the environment of temperature-sensitive products transported in insulated trucks, trailers, shipping containers, or railcars, as well as diesel-powered TRU generator sets that provide electric power to electrically-powered refrigeration units of any kind. The TRU ATCM amendments will achieve additional emission reductions by requiring the transition of diesel-powered truck TRUs to zero-emission, a diesel particulate matter (PM) emission standard for newly manufactured non-truck TRU engines, the use of lower global warming potential (GWP) refrigerant, facility registration and reporting, expanded TRU reporting and labeling, and fees. The TRU

ATCM amendments will help meet the State’s air quality and climate goals, in addition to the Governor’s Executive Order N-79-20, which set a goal for 100 percent zero-emission off-road vehicles and equipment in the State by 2035.

22-3-6: Public Meeting to Hear an Informational Update on the 2022 State Strategy for the State Implementation Plan

The Board heard an informational update on the Draft 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy). The Draft 2022 State SIP Strategy describes the proposed control measures and emissions reductions from State-regulated sources to support local air districts in attaining the 70 parts per billion (ppb) 8-hour ozone standard over the next 15 years, while also prioritizing early emission reductions for near-term ozone and particulate matter deadlines. Controlling ozone precursor emissions, in particular oxides of nitrogen (NOx), is key to attaining the federal ozone standards across the State. Since mobile sources account for about two-thirds of NOx emissions statewide, many nonattainment areas in California will need significant reductions from State measures to meet the 70 ppb 8-hour ozone standard attainment deadlines. With the 2022 State SIP Strategy, CARB is exploring and proposing an unprecedented variety of new measures to reduce emissions from the sources under our authority using all mechanisms available. The Draft 2022 State SIP Strategy identifies the control measures and emissions reductions necessary to support attainment of the 70 ppb 8-hour ozone standard. The Board will consider the final 2022 State SIP Strategy later this summer.

South Coast AQMD Staff Comments/Testimony: Staff noted the need for coordination between South Coast AQMD and CARB in developing a plan of action to achieve the substantial emission reductions required to bring clean air to our state and region; and highlighted the need for significant federal action to control sources subject to federal regulation, the need to implement all commercially-available technology today to get emission reductions as soon as feasible, and the need for multi-agency coordination to ensure the availability of zero-emission fuels and infrastructure at scale.

22-3-5: Public Meeting to Hear an Overview of the Development of the 2022 Scoping Plan Update

The Board heard an informational update on development of the 2022 Climate Change Scoping Plan (2022 Scoping Plan Update), as required under Assembly Bill (AB) 32 (Nunez, Stats. 2006, Chap. 488). In June 2021, CARB in collaboration with other State agencies, initiated the development of the 2022 Scoping Plan Update to assess progress towards achieving the Senate Bill (SB) 32 (Pavley, Stats. of 2016) target of reducing statewide greenhouse gas emissions to 40 percent below 1990 levels by 2030 and achieving carbon neutrality no later than 2045. Achieving carbon neutrality in California will require moving the State away from fossil fuel combustion and also drastically reducing air pollution disparities that persist in disadvantaged and low-income communities, while maintaining economic and job growth in California.

CARB staff provided the Board with an overview of the 2022 Scoping Plan Update, including specific statutory requirements and the public process guiding the development of the Update, key policy topics, the draft energy and industry and natural and working lands scenarios being modeled, and next steps prior to the public release of the draft 2022 Scoping Plan Update. The Board also heard an update on staff engagement with the AB 32 Environmental Justice Advisory Committee and the Committee's role in supporting development of the 2022 Scoping Plan Update. The Board will hold joint meetings with the EJAC, hear additional updates on the Scoping Plan development, and consider the Scoping Plan later in 2022.

The California Air Resources Board (CARB or Board) held a meeting remotely on February 25, 2022 via a web-based videoconferencing service. The key item presented is summarized below.

DISCUSSION ITEM

22-3-4: Public Meeting to Hear an Overview of Community Air Grants Program and 2021 Awardees

The Board heard an overview of the Community Air Grants Program from CARB staff and grant award winners. CARB staff also presented the Board with an overview of the 2021 grant awardees selected for the Fiscal Year 2019-2020 community air grants. The Community Air Grants Program is part of CARB's overall efforts to implement Assembly Bill (AB) 617 (C. Garcia, Stats. of 2017) by providing funds to California community-based organizations and tribes to establish and support community-focused approaches to improving air quality at the neighborhood level. For Fiscal Year (FY) 2019-2020, the Legislature appropriated 10 million dollars for Community Air Grants which CARB awarded to 39 community organizations and Native American Tribes in California.

Attachments

CARB February 10, 2022 and February 24 & 25, 2022 Meeting Agendas



Public Meeting Agenda

Thursday, February 10, 2022

In accordance with [Assembly Bill 361](#) (Gov. Code § 11133) as extended by Governor Newsom's Executive Order [N-1-22](#), the February 10, 2022, 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: 881 4231 3780

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](#)

[Como Participar en la Reunión del Consejo a Distancia](#)

[Agenda de la Reunión del Consejo del 10 de febrero de 2022](#)

Spanish interpretation will be provided for the February 10, 2022, Board Meeting.

Thursday, February 10, 2022 @ 4:00 p.m.

Discussion Item:

22-2-1: Public Meeting to Consider Assembly Bill 617 Community Air Protection Program – Fourth Annual Selection of Communities

The Board will consider for selection staff's proposed list of communities for the development of community emission reduction programs and/or community monitoring via the Community Air Protection Program. The Board will also consider adopting a California Environmental Quality Act exemption as part of its action.

- [More Information](#)
- [Public Meeting Notice](#)

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

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.



Public Meeting Agenda

**Thursday, February 24, 2022 and
Friday, February 25, 2022**

In accordance with *Assembly Bill 361* (Gov. Code § 11133) as extended by Governor Newsom's Executive Order *N-1-22*, the February 24-25, 2022, 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: 839 2661 8079

To only watch the Board Meeting 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 who only plan to observe the hearing.

How to Participate in the Remote Board Meeting
Agenda de la Reunión Pública
¿Cómo participar en la Reunión Remota del Consejo?

Thursday, February 24, 2022 @ 9:00 a.m.

Discussion Items:

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

22-3-1: Public Hearing to Consider Proposed 2021 Amendments to Area Designations for State Ambient Air Quality Standards

The Board will consider proposed amendments to the regulations designating areas of California as attainment, nonattainment, nonattainment-transitional, or unclassified for pollutants for the State ambient air quality standards. Based on 2018 to 2020 air quality data, a total of three changes to area designations are proposed for NO₂, PM₁₀, and PM_{2.5} air quality standards. The Board will consider adopting a California Environmental Quality Act exemption as part of its action.

- [Formal Rulemaking Page](#)
- [Public Meeting Notice](#)
- [Staff Report](#)
- [Item Summary](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-3: Public Hearing to Consider Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate

The Board will consider proposed amendments to the TRU Airborne Toxic Control Measure. The proposed amendments will achieve additional emission and health risk reductions by requiring zero-emission truck TRUs, a particulate matter (PM) emission standard for newly-manufactured non-truck TRU engines, and the use of lower global warming potential refrigerants. This is the second of two Board hearings on this item; the Board will also consider certifying the Final Supplemental Environmental Analysis and approving the written response to comments on the Draft Supplemental Environmental Analysis.

- [Formal Rulemaking Page](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Proposed Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-6: Public Meeting to Hear an Informational Update on the 2022 State Strategy for the State Implementation Plan

The Board will hear an informational update on the development of the 2022 State Strategy for the State Implementation Plan (SIP) and Draft 2022 State SIP Strategy, and next steps for Board and public engagement. This item is informational; there will not be a proposal before the Board for it to act on at this meeting. Staff plans to return to the Board with a formal proposal later in 2022.

- [More Information](#)
- [Draft 2022 State SIP Strategy](#)
- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-3-5: Public Meeting to Hear an Overview of the Development of the 2022 Scoping Plan Update

The Board will hear an informational update on the 2022 Scoping Plan development process; analytical work underway; and next steps for Board, Environmental Justice Advisory Committee, and public engagement.

- [More Information](#)

- [Item Summary](#)
- [Meeting Presentation](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

Friday, February 25, 2022 @ 8:30 a.m.

Discussion Item:

22-3-4: Public Meeting to Hear an Overview of Community Air Grants Program and 2021 Awardees

The Board will hear an informational update on the Community Air Grants Program and staff's conditional award of \$10 million in grants to support 39 community-focused efforts pursuant to Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) and in support of the California Air Resources Board's Community Air Protection Program.

- [More Information](#)
- [Item Summary](#)
- [Meeting Presentation](#)
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Closed Session

The Board may hold a closed session, as authorized by Government Code section 11126(a)(1), and, 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.

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