

BOARD MEETING DATE: November 3, 2023

AGENDA NO. 20

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The October Board meetings of the California Air Resources Board were held on October 20 and October 26, 2023. The following is a summary of the meetings.

RECOMMENDED ACTION:
Receive and file.

Gideon Kracov, Member
South Coast AQMD Governing Board

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The October Board meetings of the California Air Resources Board (CARB or Board) were held on October 20, 2023 and October 26, 2023 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

October 20, 2023

DISCUSSION ITEM

EO-23-1-1: Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation

In Resolution 23-15, the Board delegated to the Executive Officer the authority to adopt, amend, and revoke emission standards, test procedures, compliance test procedures, and compliance flexibilities for new on-road motor vehicles. Using this authority, the Executive Officer adopted amendments to the legacy engine provisions and other minor revisions to the Heavy-Duty Engine and Vehicle Omnibus (Omnibus) regulation. The amendments will provide additional compliance flexibility while maintaining the emissions benefits of the program.

October 26, 2023

DISCUSSION ITEMS

23-9-1: Public Meeting to Consider the Sacramento Region Ozone State Implementation Plan

The Board adopted the 2023 Sacramento Region Ozone State Implementation Plan (Plan). To demonstrate attainment of the 0.070 part per million 8-hour ozone standard, the California Air Resources Board included a state commitment for emission reductions by 2032. The adopted Plan will be submitted to the U.S. Environmental Protection Agency for inclusion in the California State Implementation Plan.

23-9-2: Public Meeting to Consider the California Smog Check Contingency Measure for the State Implementation Plan

The Board adopted the California Smog Check Contingency Measure. The Clean Air Act establishes planning requirements for states that exceed the national ambient air quality standards. The requirements include developing contingency measures to be undertaken if the area fails to make reasonable further progress, or to attain the national ambient air quality standard by their attainment deadline. If a nonattainment area in California fails to meet attainment or make reasonable further progress, the California Smog Check Contingency Measure (Contingency Measure) will be triggered. If triggered, the Contingency Measure will remove the Smog Check exemption currently in place for 7- to 8-year-old vehicles, requiring those vehicles to now get inspections.

23-9-3: Public Hearing to Consider Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant

The Board adopted amendments to the Regulation for Small Containers of Automotive Refrigerant (Amendments). The Amendments remove the deposit and return program for small containers of automotive refrigerant and add requirements for the use of reclaimed refrigerant in future small containers. In 2025, manufacturers will be required to transition toward the use of recycled refrigerant, starting with 25% of their aggregate sales and moving toward 100% by 2027. The Amendments will decrease costs to consumers, achieve greenhouse gas emissions reductions, and incentivize the reclamation of refrigerant.

23-9-4: Public Meeting to Consider the AB 617 Community Air Protection Program Statewide Strategy Update (Blueprint 2.0) and to Hear an Informational Update on the Community Air Protection Incentives Guidelines

The Board adopted the first five-year update to the statewide strategy for the Community Air Protection Program. Since the Community Air Protection Program was launched in 2018, communities have implemented local actions to lower pollution that include replacing dirty diesel engines, installing zero-emission infrastructure, expanding the use of air filters in sensitive locations such as day cares and residences, and implementing land-use related projects such as truck rerouting studies and vegetative barrier projects. The updated strategy, known as Blueprint 2.0, adds three new tools to the program: the use of community air grants to support local emissions-reduction plans; flexibility in the use of incentives funds to meet community goals; and community-focused enforcement. Blueprint 2.0 both reinforces the commitment of the California Air Resources Board and air districts to reduce air pollution in the 19 communities currently in the program and creates new pathways to support the over 60 communities that have been consistently nominated for the program.

South Cost AQMD Staff Comments/Testimony: Dr. Cessa Heard-Johnson participated as a panelist and provided input to CARB Board Members in their consideration to approve the AB 617 Community Air Protection Program Statewide Strategy Update Blueprint 2.0. She addressed the Blueprint's value as a fundamental framework to uplift civil rights and the importance of acknowledging community expertise through the Diversity, Equity and Inclusion (DEI) lens. She recommended that metrics be established to measure program successes and the application of lessons learned. Further, Dr. Heard-Johnson urged CARB's Board to consider Blueprint 2.0 as a living document that elevates community engagement in the process of achieving emissions and exposure reduction goals.

Attachments

CARB October 20, 2023 and October 26, 2023 Meeting Agendas



Gavin Newsom, Governor
Yana Garcia, CalEPA Secretary
Liane M. Randolph, Chair

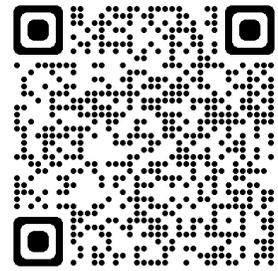
Public Meeting Agenda

Friday, October 20, 2023 @ 10:00 a.m.

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Coastal Hearing Room, 2nd Floor

Webcast (Livestream/Watch Only)
Zoom Webinar [Register](#)

Phone Number: (669) 900-6833
Webinar ID: 875 3554 5756



arb.ca.gov/ma102023

The October 20, 2023, California Air Resources Board (CARB) Executive Officer Hearing (Hearing) will be held at 1001 I Street in Sacramento, with remote participation available to the public. Due to limited seating capacity in the Coastal Hearing Room, remote participation is highly encouraged for members of the public. This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Hearing and not provide verbal comments, please view the [webcast](#). 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. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

There will be a two-minute time limit on verbal comments; however, the amount of time could change at the Executive Officer's discretion.

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Executive Officer may close speaker sign-ups 30 minutes after the public comment portion of the item has begun.

Friday, October 20, 2023 @ 10:00 a.m.

Discussion Item:

Hardcopies of the Public Agenda will be provided at the meeting; all other documents linked below will only be available upon request.

EO-23-1-1: Proposed Amendments to the Heavy-Duty Engine and Vehicle Omnibus Regulation

The Executive Officer will consider approving the proposed amendments to the legacy engine provisions and other minor revisions in the Omnibus regulation. This item is exempt from the California Environmental Quality Act.

- *Formal Rulemaking Page*
 - *Notice of Proposed Action*
 - *Staff Report*
 - *Public Hearing Notice*
- *Item Summary*
- *Meeting Presentation*
- *Submit Written Comments*
- *View Public Comments*

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 Hearing 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 Hearing.

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 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 alternativo 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 reunión. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

Public Meeting Agenda

Thursday, October 26, 2023 @ 11:00 a.m.

Zoom Webinar: [Register](#)
Phone Number: (669) 900-6833
Webinar ID: 836 0918 8358



arb.ca.gov/ma102623

California Environmental Protection Agency

1001 I Street, Sacramento, California 95814

Byron Sher Auditorium, 2nd Floor

[Webcast](#) (Livestream/Watch Only)

The October 26, 2023, meeting of the California Air Resources Board (CARB or Board) will be held at 1001 I Street in Sacramento, with remote participation available to the public. This facility is accessible to persons with disabilities and by public transit. For transit information, call (916) 321-BUSS (2877) or visit <http://sacrt.com/>.

To only watch the Board Meeting and not provide verbal comments, please view the [webcast](#). 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. Please do not view the webcast and then switch over to the webinar to comment as the webcast will have a time delay; instead, register to participate via the Zoom webinar.

Public Comment Guidelines and Information

- [In-Person Public Testimony](#)
- [Remote Public Participation](#)

The Board will set a two-minute time limit on verbal comments; however, the amount of time could change at the Chair's discretion.

In-person speakers signed up to comment will be called upon first, followed by public Zoom and phone participants wishing to comment.

The Chair may close speaker sign-ups 30 minutes after the public comment portion of an item has begun.

Spanish interpretation will be available for the October 26, Board Meeting.

- [Agenda de la Reunión Pública](#)
- [Spanish Webcast](#)

Thursday, October 26, 2023 @ 11:00 a.m.

Discussion Items:

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

Hardcopies of the Public Agenda and Proposed Resolutions (when applicable) will be provided at the meeting; all other documents linked below will only be available upon request.

23-9-1: Public Meeting to Consider the Sacramento Region Ozone State Implementation Plan

The Board will consider adopting the 2023 Sacramento Region Ozone State Implementation Plan into the California State Implementation Plan, including a CARB emission reduction commitment. If adopted, the plan will be submitted to the U.S. Environmental Protection Agency for inclusion in the California State Implementation Plan.

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

23-9-2: Public Meeting to Consider the California Smog Check Contingency Measure for the State Implementation Plan

The Board will consider approval of the California Smog Check Contingency Measure. If approved, CARB will submit the California Smog Check Contingency Measure to the U.S. Environmental Protection Agency as a revision to the California State Implementation Plan.

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

23-9-3: Public Hearing to Consider Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant

The Board will consider the Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant and other minor revisions. The amendments propose removing the deposit and return program and requiring the use of reclaimed refrigerant in future small containers.

- *Formal Rulemaking Page*
 - *Public Meeting Notice*
 - *Staff Report*
- *Item Summary*
- *Meeting Presentation*
- *Proposed Resolution*
- *Submit Written Comments*
- *View Public Comments*

The following Board Item will not be heard prior to 4:00 p.m.

23-9-4: Public Meeting to Consider the AB 617 Community Air Protection Program Statewide Strategy Update (Blueprint 2.0) and to Hear an Informational Update on the Community Air Protection Incentives Guidelines

The Board will consider staff's proposed revised Statewide Strategy contained in the Final Draft: Community Air Protection Blueprint 2.0. The statute requires the Statewide Strategy to be revised every 5 years. The Board will also hear an informational update on the staff's progress on amendments to the Community Air Protection Incentives Guidelines.

- *More Information*
- *Public Meeting Notice*
- *Draft Blueprint 2.0*
- *Item Summary*
- *Meeting Presentation*
 - *Community Air Protection Program Blueprint 2.0 Listening Workshops Community Voices (video)*
- *Proposed Resolution*
- *Submit Written Comments*
- *View Public 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:

Association of American Railroads et al. v. Randolph et al. United States District Court, Eastern District of California, Sacramento, Case No. 2:23-cv-01154-JAM-JDP.

Bobby Harris v. Nissan North America, Inc. (U.S. District Court, Central District of California, Case No. 2:20 cv 06021 CJC GJS.)

California Air Resources Board v. Best Energy Solutions & Technology Corp. Los Angeles Superior Court, Case No. 22STCV32487.

California Air Resources Board v. Daimler AG and Mercedes-Benz USA, LLC. (United States District Court, District of Columbia, Civil Action No. 1:20 cv 2565.)

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

California Natural Gas Vehicle Coalition v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 20CECG02250; industry appeal California Court of Appeal, Fifth District, Case No. F084229.

California Trucking Association v. California Air Resources Board, et al. Fresno County Superior Court, Case No. 22CECG00919.

California Trucking Association v. South Coast Air Quality Mgmt. District United States District Court, Central District of California, Case No. 2:21 cv 6341.

Central California Environmental Justice Network, et al. v. Randolph, et al., United States District Court, Eastern District of California, Case No. 2:22 cv 01714 TLN CKD.

Competitive Enterprise Inst. v. NHTSA, United States Court of Appeals, District of Columbia Circuit, Case No. 20-1145, and consolidated cases *State of California v. Wheeler, et al.*, No. 20-1167, and Nos. 20 1168, 20-1169, 20-1173, 20-1174, 20-1176, and 20-1177.

East Yard Communities for Environmental Justice, et al. v. South Coast Air Quality Management District, et al. U.S. District Court, Central District of California, Los Angeles, Case 2:23-cv-06682.

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

Federal Energy Regulatory Commission Order 719, Docket No. RM21-14-000.

Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al. (San Luis Obispo County Superior Court, Case No. 17CV-0576) and *Friends of Oceano Dunes, Inc. v. California Air Resources Board, et al.*, U.S. District Court for the Central District of California, Case No. 2:17-cv-0-8733.

Natural Resources Defense Council v. National Highway Traffic Safety Admin., et al., United States Court of Appeal, District of Columbia Circuit, Case No. 22 1080, consolidated with Nos. 22 1144, 22 1145.

People ex rel. California Air Resources Board v. Noil Energy Group, Inc. & Speedy Fuel, Inc. Los Angeles Superior Court Case Nos. 20STCV30142/20STCV30292.

People ex rel. California Air Resources Board v. Wholesale Harvest Supply, Inc. Mendocino County Superior Court, Case No. 22CV00491.

People v. Southern California Gas Company. (Los Angeles Superior Court, Case No. BC602973.)

South Coast Air Quality Management District v. City of Los Angeles, et al., Los Angeles County Superior Court, Case No. 20STCP02985; transferred to San Diego County Superior Court, Case No. 37-2021-00023385-CU-TT-CTL.

Possible litigation challenging U.S. Environmental Protection Agency's grant of waivers of preemption under the Clean Air Act to the California Air Resources Board.

State of California v. Andrew Wheeler et. al., District of Columbia Circuit, Case No. 19 1239, consolidated under No. 19 1230 along with other cases.

State of California v. Andrew Wheeler, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 20-1167.

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 for the District of Columbia Circuit – Case No. 21-1034, consolidated with *California Communities Against Toxics et al. v. EPA*, Case No. 21-1024.

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

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 California, et al. v. United States Environmental Protection Agency, United States Court of Appeals, District of Columbia Circuit, Case No. 23-1020.

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. 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 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-RBW.

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 Ohio, et al., v. Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 22 1081, consolidated with Case Nos. 22 1083, 22 1084, and 22 1085.

State of Texas, et al., v. Environmental Protection Agency, et al. United States Court of Appeals, District of Columbia Circuit, Case No. 22 1031.

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. 2:16-cv-00285-SWS.

The Two Hundred for Homeownership, et al. v. California Air Resources Board, et al. United States District Court, Eastern District of California, Fresno, Case No. 1:22 cv 01474-ADA-BAM.

The Two Hundred, et al. v. California Air Resources Board, et al., Fresno County Superior Court, Case No. 18CECG1494.

Western States Petroleum Association v. California Air Resources Board, et al., Superior Court of the State of California for the County of Fresno, Case No. 22CECG03603.

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

Western States Petroleum Association v. California Air Resources Board, Fresno County Superior Court, Case No. 23CECG02976.

Western States Trucking Association, Inc. v. California Air Resources Board, Fresno County Superior Court, Case No. 23CECG02964.

Western States Trucking Association, Inc., et al. v. United States Environmental Protection Agency, et al., United States Court of Appeals, District of Columbia Circuit, Case No. 23-1148.

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 two 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

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