

BOARD MEETING DATE: December 2, 2022

AGENDA NO. 24

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board held public meetings on November 17, 2022 and November 18, 2022. 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 California Air Resources Board (CARB or Board) held a public meeting on November 17, 2022 and November 18, 2022 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key items presented are summarized below.

DISCUSSION ITEMS

22-15-1: Public Meeting to Consider the Coachella Valley 75 ppb 8-Hour Ozone Reasonable Further Progress State Implementation Plan

The Board approved the South Coast Air Quality Management District's *Request to Reclassify Coachella Valley for the 2008 8-Hour Ozone Standard and the Updated Motor Vehicle Emissions Budgets* (Coachella Valley Plan). The Coachella Valley Plan demonstrates that Coachella Valley meets the Clean Air Act requirements for an Extreme ozone nonattainment area. Specifically, the Coachella Valley Plan includes updated emissions inventories, reasonable further progress demonstrations, and motor vehicle emission budgets. The Board also directed staff to submit the Coachella Valley Plan to the U.S. Environmental Protection Agency (U.S. EPA) as a revision to the California State Implementation Plan.

22-15-2: Public Meeting to Consider Proposed Contract with the University of California, Davis Titled "Research Study: Impacts and Implications of California Housing and Transportation Costs"

The Board approved a research contract to develop estimates of housing and transportation cost burdens across California and recommendations to reduce these burdens in the most impacted populations. This item was added to the agenda due to the contract amount and to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with the University of California, Davis. California faces a variety of housing-related challenges that have serious implications for environmental sustainability, climate protection, and social and racial equity. Many of these challenges stem from a lack of affordable housing. The execution of this contract will inform CARB and other public agency efforts to equitably meet air pollution, greenhouse gas, and vehicle miles traveled (VMT) reduction goals through housing and transportation policies. Additionally, the results of this contract will inform policy strategies to mitigate housing- and transportation-cost burdens for the most impacted populations while achieving air pollution, climate, and VMT reduction goals.

22-15-3: Public Meeting to Consider Proposed Contract with the University of California, Davis Titled "Research Study: State of Zero-Emission Vehicle Secondary Market and Accessibility Impacts in California's Underserved Communities"

The Board approved a research contract to enhance CARB's understanding of the secondary zero-emission vehicle (ZEV) market and used ZEV buyers to increase access to ZEVs in California's underserved communities. This item was added to the agenda due to the contract amount and to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with the University of California, Davis. In August 2022, the CARB Board approved the Advanced Clean Cars II Regulations, which calls for 100 percent of the in-state sales of new passenger vehicles being zero-emission by 2035. Since only about one third of California households purchase new vehicles, understanding the secondary ZEV market is important to achieving the State's climate and air quality goals. The information gained through this contract will enhance CARB's understanding of issues drivers face accessing used ZEVs, and help inform implementation of the Advanced Clean Cars II Regulations, as well as incentive programs.

22-15-4: Public Hearing to Consider Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation

The Board approved the Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation (Amendments) which will reduce harmful emissions from off-road mobile vehicles. CARB first adopted the In-Use Off-Road Diesel-Fueled Fleets Regulation (Regulation) in 2007 to reduce diesel particulate matter (DPM) emissions and oxides of nitrogen (NOx) emissions from off-road heavy-duty diesel vehicles in use in California. These vehicles are used in construction, mining, industrial operations, and other industries. While the Current Regulation has greatly reduced emissions from affected off-road diesel vehicles, the off-road sector remains a major source of mobile source emissions, with a sizeable portion of these emissions coming from a relatively small population of older vehicles. In 2022, less than 10 percent of the in-use off-road vehicles were responsible for 30 percent of NOx emissions and over 40 percent of particulate matter (PM) emissions from all the vehicles covered by the Regulation. The Amendments will reduce emissions by requiring fleets to phase out operation of their oldest and highest-emitting off-road diesel vehicles, prohibiting the addition of high-emitting vehicles to a fleet, and requiring the use of R99 or R100 renewable diesel in off-road diesel vehicles. The Amendments will provide significant emissions reductions needed to meet federal PM2.5 and ozone standards, and lower harmful exposure in the state and in particular disadvantaged communities.

22-15-5: Public Meeting to Consider the Proposed Fiscal Year 2022-23 Funding Plan for Clean Transportation Incentives Accompanied by Proposed Carl Moyer Program Changes

The Board approved the Proposed Fiscal Year 2022-23 Funding Plan for Clean Transportation Incentives (Funding Plan) and Proposed Carl Moyer Program Changes. To achieve California's numerous climate change, air quality, zero-emission vehicle (ZEV) deployment, and petroleum reduction goals, CARB has adopted an aggressive, multi-pronged strategy that uses incentives to complement regulatory and carbon pricing approaches. Annually, the State appropriates funding to a portfolio of incentive programs, and each program plays a unique role to improve air quality, reduce greenhouse gas emissions, and support equitable investments. These incentive programs are designed to support the transition to a low carbon economy across multiple sectors, including investments in the transportation sector administered through the Funding Plan. The proposed Funding Plan covers nearly \$3 billion in clean transportation investments from related funding sources, including Cap-and-Trade auction revenue, appropriated to CARB in budget bills passed by the Legislature and signed by the Governor.

The California Air Resources Board (CARB or Board) held a public meeting on November 18, 2022 in Sacramento, California at the California Environmental Protection Agency Headquarters Building. The key item presented is summarized below.

DISCUSSION ITEM

22-15-6: Public Hearing to Consider Proposed In-Use Locomotive Regulation

The Board held the first of two meetings on the proposed In-Use Locomotive Regulation (Proposed Regulation), which aims to reduce emissions from locomotives operating in California. Locomotives operate throughout California at seaports, railyards, and other locations near where people work, live, and go to school, and emit multiple air pollutants, including diesel particulate matter, fine particulate matter (PM2.5), oxides of nitrogen (NOx) and greenhouse gases (GHG). Exposure to toxic and harmful diesel emissions is known to lead to cancer and increases in asthma, heart illness, lung illness, hospitalizations, and premature death. And disadvantaged communities are often more affected by these emissions because of their proximity to locations where locomotives are operated. The Proposed Regulation will reduce criteria pollutants, toxic air contaminants, and greenhouse gas emissions from locomotives in use. The Board directed staff to consider conforming modifications that are appropriate, evaluate all comments received during the public comment periods, and bring a final Proposed Regulation to the Board for consideration in a subsequent hearing.

South Coast AQMD Staff Comments/Testimony: Staff testified in support of CARB's overall approach and recognized the importance of federal action. Staff stated that potential indirect source rules being developed by South Coast AQMD are being designed to be compatible with CARB's proposed regulation and committed to continue to work with CARB staff as they continue to finalize their proposal.

Attachment

Agenda for CARB November 17, 2022 and November 18, 2022 Meetings



arb.ca.gov/ma111722



Public Meeting Agenda

**Thursday, November 17, 2022, and
Friday, November 18, 2022**

California Environmental Protection Agency
1001 I Street, Sacramento, California 95814
Byron Sher Auditorium, 2nd Floor

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

Phone Number: (669) 900-6833
Webinar ID: 890 4023 9399

The November 17-18, 2022, 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 and Board members in accordance with [Senate Bill 189](#) (Gov. Code § 11133). 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 \(NEW\)](#)
- [Remote Public Participation \(UPDATED\)](#)

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

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

Spanish interpretation will be available for the November 17-18 Board Meeting.

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

Thursday, November 17, 2022 @ 9:00 a.m.

Discussion Items:

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.

22-15-1: Public Meeting to Consider the Coachella Valley 75 ppb 8-Hour Ozone Reasonable Further Progress State Implementation Plan

The Board will consider approval of the South Coast Air Quality Management District Coachella Valley 75 ppb 8-Hour Ozone Reasonable Further Progress SIP (RFP Plan). The RFP Plan demonstrates that Coachella Valley meets the requirements of the Clean Air Act for emissions inventories, reasonable further progress, and motor vehicle emission budgets as an Extreme nonattainment area with an attainment year of 2031.

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

22-15-2: Public Meeting to Consider Proposed Contract with the University of California, Davis Titled "Research Study: Impacts and Implications of California Housing and Transportation Costs"

The Board will consider approval of a research contract to develop estimates of housing and transportation cost burdens across California and recommendations to reduce these burdens in the most impacted populations. This item is added to the agenda due to the contract amount and to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with the University of California, Davis.

- [More Information](#)
- [Item Summary](#)
- [Submit Written Comments](#)
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22-15-3: Public Meeting to Consider Proposed Contract with the University of California, Davis Titled "Research Study: State of Zero-Emission Vehicle Secondary Market and Accessibility Impacts in California's Underserved Communities"

The Board will consider approval of a research contract to enhance CARB's understanding of the secondary zero-emission vehicle (ZEV) market and used ZEV buyers to increase access to ZEVs in California's underserved communities. This item is added to the agenda due to the contract amount and to satisfy Board approval requirements in Government Code section 1091 because one Board member is affiliated with the University of California, Davis.

- [More Information](#)
- [Item Summary](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-15-4: Public Hearing to Consider Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation

The Board will consider approving for adoption the Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation which will reduce harmful emissions from off-road mobile vehicles.

- [Formal Rulemaking Page](#) (includes links to Notice, Staff Report, and Appendices)
 - [Public Hearing Notice](#)
 - [Staff Report](#)
- [More Information](#)
- [Item Summary](#)
- [Hearing Presentation](#)
- [Resolution](#)
- [Submit Written Comments](#)
- [View Public Comments](#)

22-15-5: Public Meeting to Consider the Proposed Fiscal Year 2022-23 Funding Plan for Clean Transportation Incentives Accompanied by Proposed Carl Moyer Program Changes*

The Board will consider approval of the Proposed Fiscal Year 2022-23 Funding Plan for Clean Transportation Incentives accompanied by Proposed Carl Moyer Program Changes.

* This item is scheduled to be heard on Thursday, November 17th. Because the length of public testimony cannot be predicted in advance, this item may continue on Friday, November 18th.

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

Friday, November 18, 2022 @ 8:30 a.m.

Discussion Item:

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.

22-15-6: Public Hearing to Consider Proposed In-Use Locomotive Regulation

The Board will consider the proposed In-Use Locomotive Regulation, which aims to reduce emissions from locomotives operating in California. This hearing will be the first of two planned Board hearings.

- [Formal Rulemaking Page](#) (includes links to Notice, Staff Report, and Appendices)
 - [Public Hearing Notice](#)

- [Staff Report](#)
- [Item Summary](#)
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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:

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

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, 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.

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.

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

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

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. 21-1024.

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 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.

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. 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.

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.

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 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.