

BOARD MEETING DATE: September 7, 2018

AGENDA NO. 28

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on June 28 and July 26, 2018 in Sacramento, CA. The following are summaries of those meetings.

RECOMMENDED ACTION:  
Receive and file.

Judith Mitchell, Member  
SCAQMD Governing Board

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The California Air Resources Board (CARB or Board) held a meeting on June 28, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

### **CONSENT ITEM**

#### **18-5-1: Public Hearing to Consider Submission of the 2013 Amendments to the Cargo Tank Vapor Recovery Regulation into the California State Implementation Plan**

The Board adopted a resolution directing CARB staff to submit the 2013 Amendments to the Cargo Tank Vapor Recovery Regulation into the California State Implementation Plan (Cargo Tank SIP Submittal). The Cargo Tank SIP Submittal is required to satisfy Clean Air Act Reasonable Available Control Technology requirements and demonstrates the Cargo Tank Vapor Recovery Regulation meets the level of control need in the Control Techniques Guidelines for Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems. CARB staff will submit the Cargo Tank SIP Submittal to U.S. EPA as a revision to the California SIP.

## **DISCUSSION ITEMS**

### **18-5-2: Public Hearing to Consider Proposed Amendments to California Emission Control System Warranty Regulations and Maintenance Provisions for 2022 and Subsequent Model Year On-Road Heavy-Duty Diesel Vehicles with Gross Vehicle Weight Ratings Greater Than 14,000 Pounds and Heavy-Duty Diesel Engines in Such Vehicles**

The Board approved amendments to the California warranty and maintenance provisions for on-road heavy-duty (HD) diesel vehicles, and the engines used in such vehicles. The current warranty coverage of 100,000 miles is well below the expected service mileage of many modern HD vehicles and engines which can be 500,000 to over 1,000,000 miles. The amendments lengthen the existing warranty periods and shorten the period between maintenance check-ups. These amendments will reduce emissions by incentivizing vehicle owners to perform required maintenance, seek more timely repairs, and encourage manufacturers to design and produce more durable parts. The amendments also clarify that the warranty coverage extends to all parts in the vehicle that could cause the illumination of the HD on-board diagnostic system malfunction indicator light.

### **18-5-3: Public Meeting to Hear an Update on Implementation of Assembly Bill 617 (The Community Air Protection Program)**

The Board heard an update on efforts to implement the mandates of Assembly Bill (AB) 617. CARB's Community Air Protection Program (Program) will implement a new community focused planning framework to identify impacted communities, establish criteria for air monitoring and local emissions reduction programs, and develop strategies for reducing emissions. CARB staff informed the Board of the ongoing work identifying impacted communities, fostering community engagement, and developing community-focused strategies to meet the goals of AB 617. This included the recent release of a draft Blueprint outlining program requirements, and the announcement of community organizations who will be receiving grants to support community capacity building and engagement in the Program. In September, the Board will consider approval of the Blueprint and recommendations for communities to be selected for the first year of the Program.

**SCAQMD Staff Comments/Testimony:** Wayne Nastri, Executive Officer, provided an update of SCAQMD efforts related to AB 617, including BARCT work, extensive public engagement, and community identification and prioritization. He stressed the importance of maintaining clear communications and managing expectations, and noted that CARB should not duplicate systems already in place. He also commented that statutory requirements should not be exceeded, and that the process to transfer funds to

the Districts should be streamlined. Mr. Nastri concluded with SCAQMD's commitment to the joint clean air mission and that staff looks forward to working together on AB 617.

**18-5-4: Report from the Office of the Ombudsman 2017**

The Board heard a report by the Ombudsman on the 2017 enhancements to the California Air Resources Board's Ombudsman and Small Business program, including a plan for a more comprehensive engagement process for regulated small businesses. The primary focus of the Ombudsman's office is working with California's small businesses to engage them in the development of regulations early in the process so they are active participants, to assist small businesses with rule compliance including support procuring available incentive funding, and to promote CARB goals in the small business community such as the adoption of zero-emission vehicles.

**18-5-5: Public Meeting to Hear the Enforcement Division 2017 Annual Report**

The Board heard the Enforcement Division 2017 Annual Report, highlighting 2017 Enforcement Division activities in key programs including enforcement at freight facilities, statewide diesel enforcement, field enforcement and citation processing, clean fuels regulations, aftermarket parts and vehicle enforcement, and refrigerant management. In 2017, the Enforcement Division provided extensive outreach and enforcement in regions heavily impacted by pollution such as disadvantaged communities, ports, and railyards. Enforcement Division staff levied \$17.5 million in penalties against noncompliant businesses, of which \$2.5 million went to funding new Supplemental Environmental Projects in disadvantaged communities. Staff also presented Enforcement Division 2018 goals, which include the implementation of a new truck and bus enforcement process, the expansion of aftermarket parts enforcement, support for the Cal/EPA Environmental Justice Task Force through participation in multimedia coordinated inspections, enforcement in disadvantaged communities identified through the Community Air Protection Program, and continued diesel certification investigations.

**18-5-6: Public Meeting to Hear an Informational Update on the Benefits of High Efficiency Filtration to Indoor Air Quality**

The Board heard an informational update on research studies funded by CARB that examined the use of high efficiency filtration in homes. These studies investigated the effectiveness of filtration on reducing indoor pollutant levels. Since people spend approximately 90 percent of their time indoors, a significant fraction of air pollutant exposure occurs indoors. This indoor exposure to pollution affects human health, particularly for vulnerable populations such as children, the elderly, and people with pre-existing respiratory or cardiovascular disease. These studies demonstrated that the use of high-efficiency filtration significantly reduces indoor exposure to particulate matter and can lower negative health impacts related to indoor air pollution.

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The California Air Resources Board (CARB or Board) held a meeting on July 26, 2018 in Sacramento at the California Environmental Protection Agency Headquarters Building. Key items presented are summarized below.

**DISCUSSION ITEMS**

**18-6-5: Public Hearing to Consider Environmental Comments from John R. Lawson Rock & Oil, Inc. Regarding Board Item**

The Board considered CARB staff's responses to environmental comments submitted by John R. Lawson Rock & Oil, Inc. for the May 25, 2018 Board hearing Item 18-4-3, regarding Proposed Amendments to the Heavy-Duty Vehicle Inspection Program (HDVIP) and Periodic Smoke Inspection Program Regulation (PSIP). Staff received the comment letter from John R. Lawson Rock & Oil, Inc. during the May 25, 2018 Board Hearing, but program staff for this item was unaware of the letter until after the hearing. Program staff was unable to respond to the comments regarding environmental issues until after the Board took action on the item at the May 25 hearing. The Board today set aside the Board's May 25 approval of the HDVIP and PSIP amendments, considered and approved staff's written responses to comments, and re-approved the HDVIP and PSIP amendments.

**18-6-2: Public Meeting to Consider Senate Bill 350 Integrated Resource Planning Electricity Sector Greenhouse Gas Planning Targets**

The Board approved the methodology for establishing the greenhouse gas (GHG) planning target ranges and specific GHG planning target ranges for the electricity sector, load serving entities, and publicly owned utilities for use in Integrated Resource Plans (IRP) pursuant to Senate Bill 350 (SB 350). SB 350 requires load-serving entities

under the jurisdiction of the CPUC and qualifying public owned utilities to develop IRPs that meet GHG emission reductions planning targets established by CARB in coordination with California Public Utilities Commission and California Energy Commission. The Board also certified the Final Environmental Analysis.

**18-6-1: Public Meeting to Consider Proposed Guidelines for the Clean Cars 4 All and Enhanced Fleet Modernization (Car Scrap and Replace) Programs**

The Board adopted guidelines for the Clean Cars 4 All Program and changes to the existing guidelines for the Enhanced Fleet Modernization Program (EFMP). The amendments are in response to Assembly Bill 630 (AB 630) (Cooper, Chapter 636, Statutes of 2017), which establishes the Clean Cars 4 All Program for lower-income consumers, codifying the EFMP Plus-Up pilot project as a formal program. AB 630 requires that the Clean Cars 4 All Program and EFMP include specific, measureable goals, and that CARB evaluates the progress towards those goals at the end of each year for any needed changes. AB 630 directs CARB to finalize guidelines for the Clean Cars 4 All Program and update the EFMP guidelines by January 1, 2019.

**18-6-3: Public Meeting to Consider Cap-and-Trade Auction Proceeds: Funding Guidelines for Agencies that Administer California Climate Investments**

The Board approved updates to the “Funding Guidelines for Agencies Administering California Climate Investments.” These Guidelines apply to all projects funded by the Greenhouse Gas Reduction Fund (i.e., Cap-and-Trade auction proceeds). The updates reflect statutory changes and include new or revised guidance for: Program administration; quantification of greenhouse gas reductions and co-benefits; project tracking and reporting; maximizing benefits for disadvantaged communities; and guidance for targeting investments to disadvantaged communities, low-income communities, and low-income households.

**18-6-6: Public Meeting to Consider Board Members’ Initial Staggered Terms**

Assembly Bill 197 (AB 197) established six-year terms for the 14 voting members of the Board with the exception of "initial staggered terms," which the statute directed the Board to establish. AB 197 specifically allows all Board Members to be reappointed so these terms are not term limits, but rather specify the end of a particular term. To achieve the staggering required by AB 197, some of the initial staggered terms will necessarily need to be shorter than six years. Board Member Florez offered a motion to delay consideration that did not pass. The Board then passed a motion to adopt a plan with initial terms that expire in three staggered tiers: On December 31, 2018, two legislative appointees and one Governor appointee; on December 31, 2020, five Governor appointees; and on December 31, 2022, six Governor appointees.

**18-6-4: Public Meeting to Hear an Informational Update on the Use of Satellite Remote Sensing Data to Support Air Quality Decision-Making**

The Board heard an informational update on how satellite remote sensing data can estimate air quality levels and support air quality decision-making. Staff also presented results from in-house and collaborative satellite studies that can be used to support air quality decision-making.

**Attachments**

CARB June 28, 2018 and July 26, 2018 Meeting Agendas



## PUBLIC MEETING AGENDA

**June 28, 2018**

### LOCATION:

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

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:

<http://www.sacrt.com>

(This facility is accessible to persons with disabilities.)

### TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**Thursday**  
**June 28, 2018**  
**9:00 a.m.**

### **CONSENT CALENDAR:**

The following items on the consent calendar will be presented to the Board immediately after the start of the public meeting, unless removed from the consent calendar either upon a Board member's request or if someone in the audience wishes to speak on them.

#### **Consent Item #**

**18-5-1: Public Meeting to Consider Submission of the 2013 Amendments to the Cargo Tank Vapor Recovery Regulation into the California State Implementation Plan**

*The Board will consider adopting a resolution directing staff to submit the 2013 Amendments to the Cargo Tank Vapor Recovery Regulations into the California State Implementation Plan (Cargo Tank SIP Submittal). If adopted, CARB will submit the Cargo Tank SIP Submittal to the United States Environmental Protection Agency as a revision to the California State Implementation Plan.*

[More Information](#)

[Proposed Resolution](#)

### **DISCUSSION ITEMS:**

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

#### **Agenda Item #**

**18-5-2: Public Hearing to Consider Proposed Amendments to California Emission Control System Warranty Regulations and Maintenance Provisions for 2022 and Subsequent Model Year On-Road Heavy-Duty Diesel Vehicles with Gross Vehicle Weight Ratings Greater Than 14,000 Pounds and Heavy-Duty Diesel Engines in Such Vehicles**

*The Board will consider proposed amendments to the California warranty and maintenance provisions for on-road heavy-duty (HD) diesel vehicles, and the engines used in such vehicles. Currently, because the warranty mileage period is disproportionate to the actual service lives of many modern HD vehicles and engines, vehicle owners have no incentive to pay for repairs of emissions-related problems that do not adversely affect fuel economy or performance, which*

results in additional emissions. Accordingly, staff is proposing to lengthen both the existing warranty periods and minimum maintenance intervals so as to reduce emissions by incentivizing vehicle owners to perform required maintenance and to seek more timely repairs, and to encourage manufacturers to design and produce more durable parts. Staff is also proposing to clarify that the warranty coverage extends to any part that causes the illumination of the HD on-board diagnostic system malfunction indicator light.

[More Information](#)

[Staff Presentation](#)

**18-5-3: Public Meeting to Hear an Update on Implementation of Assembly Bill 617 (The Community Air Protection Program)**

Spanish translation will be provided at the Board Meeting for this item, Item 18-5-3.

The Board will hear an update on efforts underway to implement the mandates of Assembly Bill 617. The California Air Resources Board's Community Air Protection Program will implement a new community focused planning framework to identify impacted communities, establish criteria for air monitoring and local emissions reduction programs, and develop strategies for reducing emissions. Staff will present for Board discussion and input key questions for program development.

[More Information](#)

[Staff Presentation](#)

**18-5-4: Report from the Office of the Ombudsman 2017**

The Board will hear a report on the 2017 enhancements to the California Air Resources Board's Ombudsman and Small Business program, including a plan for a more comprehensive engagement process for regulated small businesses.

[More Information](#)

[Staff Presentation](#)

**18-5-5: Public Meeting to Hear the Enforcement Division 2017 Annual Report**

The Board will hear the Enforcement Division 2017 Annual Report, which will include highlights of 2017 enforcement activities in key programs including enforcement at freight facilities, statewide diesel enforcement, field enforcement and citation processing, clean fuels regulations, aftermarket parts and vehicle enforcement, and refrigerant management. Staff will also describe the Division's implementation of Supplemental Environmental Projects and other enforcement initiatives in disadvantaged communities.

[More Information](#)

[Staff Presentation](#)

**18-5-6: Public Meeting to Hear an Informational Update on the Benefits of High Efficiency Filtration to Indoor Air Quality**

The Board will hear an informational update on the California Air Resources Board's funded studies that examined the use of high efficiency filtration in homes to determine the effectiveness of filtration on reducing indoor pollutant levels.

[More Information](#)

[Staff Presentation](#)



**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, and as authorized by Government Code section 11126(a):*

*American Fuels and Petrochemical Manufacturers, et al. v. Jane O'Keeffe, et al., U.S. District Court (D. Ore. Portland), Case No. 3:15-CV-00467; Plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 15-35834.*

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

*Electric Power Supply Association, et al. v. Star, et al., U.S. Court of Appeals, Seventh Circuit, Case No. 17-2445.*

*In re La Paloma Generating Company, LLC, U.S. Bankruptcy Court, District of Delaware, Case No. 16-bk-12700.*

*Mexichem Fluor Inc. v. United States Environmental Protection Agency et al., U.S. Court of Appeals, District of Columbia Circuit, Case Nos. 15-1328 and 15-1329.*

*POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 09CECG04659; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394 [remanded to trial court]; plaintiff's appeal of trial court order discharging peremptory writ of mandate, Court of Appeal, Fifth District, Case No. F073340.*

*POET, LLC, et al. v. California Air Resources Board, et al., Superior Court of California (Fresno County), Case No. 15CECG03380.*

*Rocky Mountain Farmers Union, et al. v. Corey, U.S. District Court (E.D. Cal. Fresno), Case No. 1:09-CV-02234-LJO-DLB; ARB interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 12-15131 [remanded to trial court].*

*American Fuels and Petrochemical Manufacturers, et al. v. Corey, et al., U.S. District Court (E.D. Cal. Fresno), Case No. 1:10-CV-00163-AWI-GSA; ARB's interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 10-CV-00163 [remanded to trial court].*

*Sowinski v. California Air Resources Board, et al., U.S. District Court, Central District of California, Case No. 8:15-CV-02123; Orange County Superior Court, Case No. 30-2018-00970852-CU-IP-CXC.*

*State of California, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1114.*

*State of California, et al. v. United States Bureau of Land Management, et al., U.S. District Court, Northern District of California Circuit, Case No. 3:17-cv-07186-WHO.*

*State of New York, et al. v. United States Environmental Protection Agency, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.*

*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 North Dakota v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

*State of West Virginia et al. v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1363.

*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.

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

*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.

*Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al.*, Court of Appeal, First Appellate District, Case No. A151004.

*Adam Brothers Farming, Inc. v. California Air Resources Board, et al.*, Santa Barbara County Superior Court, Case No. 15 CV04432.

*Alliance for California Business v. California Air Resources Board, et al.*, Glenn County Superior Court, Case No. 13CV01232; plaintiffs' appeal, Court of Appeal, Third District, Case No. C082828.

*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.

*Jack Cody dba Cody Transport v. California Air Resources Board, et al.*, Sacramento Superior Court, Case No. 34-2015-80002116; plaintiff's appeal, Court of Appeal, Third District, Case No. C083083.

*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.

*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.

*John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al. (potential).*

*Murray Energy Corporation v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1385.

*State of California, et al. v. United States Environmental Protection Agency et al.*, U.S. District Court, Northern District of California, Oakland Division, Case No. 4:17-cv-6936-HSG.

*States of New York, California, Vermont, and Maryland, and the Commonwealth of Pennsylvania v. National Highway Traffic Safety Administration*, U.S. Court of Appeals, Second Circuit, Case Nos. 17-2780(L) and 17-2806.

*State of New York, et al. v. United States Environmental Protection Agency et al.*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 17-1185.

*California Air Resources Board v. Adam Brothers Farming Inc.*, Santa Barbara County Superior Court, Case No. 16CV01758.

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

*In re: Volkswagen "Clean Diesel" MDL*, United States District Court, Northern District of California, Case No. 15-MD-2672-CRB (JSC).

*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.

*Mahan v. California Air Resources Board*, Sacramento County Superior Court, Case No. 34-2016-80002416.

#### **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.*

#### **TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<https://www.arb.ca.gov/lispub/comm/bclist.php>

(Note: not all agenda items are available for electronic submittals of written comments.)

**PLEASE NOTE:** No outside memory sticks or other external devices may be used at any time with the Board audio/visual system or any CARB computers. Therefore, PowerPoint presentations to be displayed at the Board meeting must be electronically submitted via email to the Clerk of the Board at [cotb@arb.ca.gov](mailto: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 CLERK OF THE BOARD:**

1001 I Street, 23<sup>rd</sup> Floor, Sacramento, California 95814

(916) 322-5594

CARB Homepage: [www.arb.ca.gov](http://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 Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 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 llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 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.



**REVISED 07/18/18**  
**PUBLIC MEETING AGENDA**

**July 26, 2018**

**LOCATION:**

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

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website:

<http://www.sacrt.com>

(This facility is accessible to persons with disabilities.)

**TO SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

<http://www.arb.ca.gov/lispub/comm/bclist.php>

**Thursday**  
**July 26, 2018**  
**9:00 a.m.**

**DISCUSSION ITEMS:**

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

**Agenda Item #**

**(The agenda order noted below was revised on 07/18/18.)**

- 18-6-5: Public Hearing to Consider Environmental Comments from John R. Lawson Rock & Oil, Inc. Regarding Board Item 18-4-3.**

*The Board will consider staff's responses to comments submitted by John R. Lawson Rock & Oil, Inc. at the May 25, 2018, Board hearing regarding Board Item 18-4-3, Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and Periodic Smoke Inspection Program Regulation. The Board will also consider the amendments in light of those comments and whether additional Board action is necessary.*

- 18-6-2: Public Meeting to Consider Senate Bill 350 Integrated Resource Planning Electricity Sector Greenhouse Gas Planning Targets**

*The Board will consider a proposed methodology for establishing the greenhouse gas (GHG) planning target ranges and specific proposed GHG planning target ranges for the electricity sector, load serving entities, and publicly owned utilities for use in Integrated Resource Plans pursuant to Senate Bill 350. The Board will also consider certifying the Final Environmental Analysis.*

[More Information](#)

[Staff Presentation](#)

**18-6-1: Public Meeting to Consider Proposed Guidelines for the Clean Cars 4 All and Enhanced Fleet Modernization (Car Scrap and Replace) Programs**

*The Board will consider proposed guidelines for the Clean Cars 4 All Program and proposed changes to the existing guidelines for the Enhanced Fleet Modernization Program (EFMP). Assembly Bill 630 (Cooper, Chapter 636, Statutes of 2017) directs CARB to finalize guidelines for Clean Cars 4 All and update the EFMP guidelines by January 1, 2019.*

[More Information](#)

[Staff Presentation](#)

**18-6-3: Public Meeting to Consider Cap-and-Trade Auction Proceeds: Funding Guidelines for Agencies that Administer California Climate Investments**

Spanish translation will be provided at the Board Meeting for this item, Item 18-6-3.

*The Board will consider updates to the "Funding Guidelines for Agencies Administering California Climate Investments." These Guidelines apply to all projects funded by the Greenhouse Gas Reduction Fund (i.e., Cap-and-Trade auction proceeds). The proposed updates reflect statutory changes and include new or revised guidance for: program administration; quantification of greenhouse gas reductions and co-benefits; project tracking and reporting; maximizing benefits for disadvantaged communities; and guidance for targeting investments to disadvantaged communities, low-income communities, and low-income households.*

[More Information](#)

[Staff Presentation](#)

**18-6-4: Public Meeting to Hear an Informational Update On the Use of Satellite Remote Sensing Data to Support Air Quality Decision-Making**

*The Board will hear how satellite remote sensing data can estimate air quality levels. Staff will also present results from in-house and collaborative satellite studies that can be used to support air quality decision-making.*

[Staff Presentation](#)

**18-6-6: Public Meeting to Consider Board Members' Initial Staggered Terms**

*Assembly Bill 197 established six-year terms for the 14 voting members of the Board with the exception of "initial staggered terms," which the statute directed the Board to establish. The Board will consider the adoption of initial staggered terms with specified term expiration dates.*

**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, and as authorized by Government Code section 11126(a):*

*American Fuels and Petrochemical Manufacturers, et al. v. Jane O'Keeffe, et al., U.S. District Court (D. Ore. Portland), Case No. 3:15-CV-00467; Plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 15-35834.*

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

*Electric Power Supply Association, et al. v. Star, et al.*, U.S. Court of Appeals, Seventh Circuit, Case No. 17-2445.

*In re La Paloma Generating Company, LLC*, U.S. Bankruptcy Court, District of Delaware, Case No. 16-bk-12700.

*Mexichem Fluor Inc. v. United States Environmental Protection Agency et al.*, U.S. Court of Appeals, District of Columbia Circuit, Case Nos. 15-1328 and 15-1329.

*POET, LLC, et al. v. California Air Resources Board, et al.*, Superior Court of California (Fresno County), Case No. 09CECG04659; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394 [remanded to trial court]; plaintiff's appeal of trial court order discharging peremptory writ of mandate, Court of Appeal, Fifth District, Case No. F073340.

*POET, LLC, et al. v. California Air Resources Board, et al.*, Superior Court of California (Fresno County), Case No. 15CECG03380.

*Rocky Mountain Farmers Union, et al. v. Corey*, U.S. District Court (E.D. Cal. Fresno), Case No. 1:09-CV-02234-LJO-DLB; ARB interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 12-15131 [remanded to trial court].

*American Fuels and Petrochemical Manufacturers, et al. v. Corey, et al.*, U.S. District Court (E.D. Cal. Fresno), Case No. 1:10-CV-00163-AWI-GSA; ARB's interlocutory appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 10-CV-00163 [remanded to trial court].

*Sowinski v. California Air Resources Board, et al.*, U.S. District Court, Central District of California, Case No. 8:15-CV-02123; Orange County Superior Court, Case No. 30-2018-00970852-CU-IP-CXC.

*State of California, et al. v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 18-1114.

*State of California, et al. v. United States Bureau of Land Management, et al.*, U.S. District Court, Northern District of California Circuit, Case No. 3:17-cv-07186-WHO.

*State of New York, et al. v. United States Environmental Protection Agency*, U.S. District Court, District of Columbia, Case No. 1:18-cv-00773.

*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 North Dakota v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1381.

*State of West Virginia et al. v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1363.

*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.

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

*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.

*Valero Refining Co. California v. Hearing Board of the Bay Area Air Quality Management District et al.*, Court of Appeal, First Appellate District, Case No. A151004.

*Alliance for California Business v. California Air Resources Board, et al.*, Glenn County Superior Court, Case No. 13CV01232; plaintiffs' appeal, Court of Appeal, Third District, Case No. C082828.

*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.

*Jack Cody dba Cody Transport v. California Air Resources Board, et al.*, Sacramento Superior Court, Case No. 34-2015-80002116; plaintiff's appeal, Court of Appeal, Third District, Case No. C083083.

*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.

*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.

*John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al. (potential)*.

*Murray Energy Corporation v. United States Environmental Protection Agency*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 15-1385.

*State of California, et al. v. United States Environmental Protection Agency et al.*, U.S. District Court, Northern District of California, Oakland Division, Case No. 4:17-cv-6936-HSG.

*States of New York, California, Vermont, and Maryland, and the Commonwealth of Pennsylvania v. National Highway Traffic Safety Administration*, U.S. Court of Appeals, Second Circuit, Case Nos. 17-2780(L) and 17-2806.

*State of New York, et al. v. United States Environmental Protection Agency et al.*, U.S. Court of Appeals, District of Columbia Circuit, Case No. 17-1185.

*California Air Resources Board v. Adam Brothers Farming Inc.*, Santa Barbara County Superior Court, Case No. 16CV01758.

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

*In re: Volkswagen "Clean Diesel" MDL*, United States District Court, Northern District of California, Case No. 15-MD-2672-CRB (JSC).

*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.



*Mahan v. California Air Resources Board*, Sacramento County Superior Court, Case No. 34-2016-80002416.

**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.*

**TO ELECTRONICALLY SUBMIT WRITTEN COMMENTS ON AN AGENDA ITEM IN ADVANCE OF THE MEETING GO TO:**

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(Note: not all agenda items are available for electronic submittals of written comments.)

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**IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE CLERK OF THE BOARD:**

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