

BOARD MEETING DATE: February 1, 2019

AGENDA NO. 24

REPORT: California Air Resources Board Monthly Meeting

SYNOPSIS: The California Air Resources Board met on January 24, 2019 in Fresno, CA. The following is a summary of the meeting.

RECOMMENDED ACTION:

Receive and file.

Judith Mitchell, Member
SCAQMD Governing Board

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The California Air Resources Board's (CARB or Board) held a meeting on January 24, 2019 in Fresno at the Grand. Key items presented are summarized below.

DISCUSSION ITEMS

19-1-1: Public Meeting to Consider the 2018 PM2.5 and 2016 Moderate Plan State Implementation Plans for the San Joaquin Valley

The Board adopted the 2018 PM2.5 Plan that sets forth a comprehensive strategy to meet four federal standards for PM2.5, for which the Valley is currently in nonattainment: the 65 ug/m³ standard (24-hour); the 15 ug/m³ standard (annual); the 35 ug/m³ standard (24-hour); and the 12 ug/m³ standard (annual).

In 2016, the Board considered the 2016 Moderate Plan. That plan demonstrated the Valley could not attain the 12 µg/m³ annual PM2.5 standard by the Moderate area deadline, and the Board therefore tabled the 2016 Moderate Plan. At that time, the Board directed staff to work with the District to conduct a more thorough public process, explore opportunities for additional NOx and direct PM2.5 reductions from both mobile and stationary sources, and return to the Board when a path had been identified for attaining all PM2.5 standards in the Valley.

As a result of this outreach effort and the input received, the 2018 PM2.5 Plan includes a State commitment to reduce 32 tons per day (tpd) of NOx and 1 tpd of PM2.5 from mobile sources. The Plan also includes District commitments to control NOx from stationary sources and reduce PM2.5 from residential wood burning and commercial cooking. Taken together, these District and CARB measures implemented for the 2018 PM2.5 Plan will enable the Valley to meet all four of the PM2.5 standards and provide significant health benefits for Valley residents.

19-1-2: Public Hearing to Consider the Proposed Amendments to On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles Regulation to Include Heavy Cranes

The Board adopted the amendments to *On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles Regulation to Include Heavy Cranes*. The two distinct changes to the Solid Waste Collection Vehicle (SWCV) regulation will ensure that compliant SWCVs do not experience delays in California Department of Motor Vehicles (DMV) registration due to recent changes in California law, and also provides a feasible compliance option for specialized cranes. The first amendment also will add a reporting requirement for owners of SWCVs to improve enforceability and to avoid delays with California DMV registration starting in 2020. The second amendment will expand the scope of the SWCV regulation to include heavy cranes with a newly-added phase-in schedule that mirrors the amended 2014 requirements. The amendments would allow sufficient time for crane operators to upgrade equipment while continuing to meet crane certification safety standards and continuing to make progress in reducing emissions to protect public health.

19-1-3: Report to the Board on the California Air Resources Board Program Priorities for 2019

Executive Officer Richard Corey provided the Board with an overview of CARB accomplishments in 2018 and program priorities for 2019. The 2018 accomplishments included CARB and the air districts' launch of the AB 617 Community Protection Program, meeting California's 2020 greenhouse gas emission target four years ahead of schedule, and making significant progress on zero emission technologies. Mr. Corey also detailed CARB enhanced actions on climate change and adoption of important criteria pollutant and toxics emissions reporting regulations. The 2019 program priorities include continuing implementation of AB 617, meeting the statewide carbon neutrality goal, acting on the Climate Change Scoping Plan and State Implementation Plans, developing a more holistic approach to transportation, and strengthening our collaboration with other states and nations.

Attachment

CARB January 24, 2019 Meeting Agenda



PUBLIC MEETING AGENDA

**Thursday,
January 24, 2019**

[Webcast](#)

LOCATION:

The Grand at 1401
1401 Fulton Street, 10th Floor Ballroom
Fresno, California 93721

This facility is accessible by public transit. For transit information, call (559) 621-RIDE, website:

<https://www.fresno.gov/transportation/>

(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
January 24, 2019
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Item #

19-1-1: Public Meeting to Consider the 2018 PM2.5 and 2016 Moderate Plan State Implementation Plans for the San Joaquin Valley

The Board will consider adopting the 2018 PM2.5 State Implementation Plan (SIP) for the San Joaquin Valley. This SIP addresses multiple PM2.5 National Ambient Air Quality Standards, including the 12 micrograms per cubic meter (ug/m3) annual standard and the 35 ug/m3 24-hour standard. If approved, the California Air Resource Board (CARB or Board) will submit this Plan to the United States Environmental Protection Agency as a revision to the California SIP.

[More Information](#)

[Staff Presentation](#)

19-1-2: Public Hearing to Consider the Proposed Amendments to the On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles Regulation to Include Heavy Cranes

The Board will consider amendments to the On-Road Heavy-Duty Diesel-Fueled Residential and Commercial Solid Waste Collection Vehicles (SWCV) regulation. The proposed amendments include two distinct changes to the regulation, (1) to ensure that compliant SWCVs do not experience registration delays at the California Department of Motor Vehicles due to recent changes in California law; (2) to provide a more cost-effective compliance option for specialized heavy cranes.

[More Information](#)

[Staff Presentation](#)

19-1-3: Report to the Board on the California Air Resources Board Program Priorities for 2019

Executive Officer Richard Corey will provide the Board with an overview of anticipated California Air Resources Board priorities for 2019.

[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.

POET, LLC, et al. v. California Air Resources Board, et al., Fresno County Superior Court, 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., Fresno County Superior Court, 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., Fresno County Superior Court, 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.

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.

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.

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 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, 23rd Floor, Sacramento, California 95814

(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 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.