

PUBLIC MEETING AGENDA

**Thursday, September 24, 2015
and
Friday, September 25, 2015
(Sacramento, CA)**

[Webcast](#)

LOCATION:

California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium, 2nd Floor
1001 I Street
Sacramento, California 95812

This facility is accessible by public transit. For transit information, call (916) 321-BUSS, website: <http://www.sacrt.com>
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**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
September 24, 2015
9:00 a.m.**

DISCUSSION ITEMS:

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

Agenda Item #

15-7-1: Public Hearing to Consider the Proposed Regulation on the Commercialization of Alternative Diesel Fuels

The Board will consider a proposed regulation governing the introduction of alternative diesel fuels into the California commercial market, including special provisions for biodiesel. The proposed regulation was first presented to the Board at its February 2015 public hearing, at which the Board directed staff to make modifications to the proposal. The Board will also consider the combined environmental analysis prepared under the California Environmental Quality Act for this proposal and the proposed re-adoption of the Low Carbon Fuel Standard (Item 15-7-2) and the written responses to environmental comments. The Board will close the public hearing on this item at the conclusion of public comment on September 24th and continue the meeting on September 25th to deliberate and vote on the proposal.

[More Information](#)

[Staff Presentation](#)

15-7-2: Public Hearing to Consider the Proposed Re-adoption of the Low Carbon Fuel Standard

The Board will consider the proposed re-adoption of the Low Carbon Fuel Standard, which includes updates and revisions to the regulation now in effect. The proposed regulation was first presented to the Board at its February 2015 public hearing, at which the Board directed staff to make modifications to the proposal. The Board will also consider the combined environmental analysis prepared under the California Environmental Quality Act for this proposal and the proposed Regulation on the Commercialization of Alternative Diesel Fuels (Item 15-7-1) and the written responses to environmental comments. The Board will close the public hearing on this item at the conclusion of public comment on September 24th and continue the meeting on September 25th to deliberate and vote on the proposal.

[More Information](#)

[Staff Presentation](#)

15-7-4: Public Meeting to Consider Proposition 1B Program Funding Awards to Reduce Emissions from Freight Transportation

The Board will consider approving grant awards for local agency projects to reduce freight-related emissions in California's four priority trade corridors.

[More Information](#)

[Staff Presentation](#)

15-7-3: Public Hearing to Consider the Cap-and-Trade Auction Proceeds Funding Guidelines for Agencies that Administer California Climate Investments

The Board will consider the draft Funding Guidelines for agencies administering investments from the Greenhouse Gas Reduction Fund. These Guidelines will address program administration to further the purposes of Assembly Bill 32, preparation of Expenditure Records, quantification of greenhouse gas reductions and co-benefits, meeting Senate Bill 535 requirements to maximize benefits for disadvantaged communities, and project tracking/reporting.

[More Information](#)

[Staff Presentation](#)

Friday
September 25, 2015
8:30 a.m.

CONSENT CALENDAR:

The item on the consent calendar will be presented to the Board immediately after the start of this second day 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 it.

Consent Item #**15-7-5: Public Meeting to Consider Appointments of New Members to the Environmental Justice Advisory Committee**

The Board will consider the appointment of new members from Inland Empire, San Diego, and Sacramento to fill Environmental Justice Advisory Committee (EJAC) vacancies from former members that left their positions. Under Assembly Bill 32 (Global Warming Solutions Act of 2006), the Air Resources Board (ARB) originally convened the EJAC in 2007 to advise it on developing the Initial Scoping Plan and reconvened the EJAC in 2013 to advise it on the First Scoping Plan Update. The EJAC will advise ARB on developing the Scoping Plan to meet Governor Brown's new interim statewide target to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030.

[More Information](#)

[Proposed Resolution](#)

DISCUSSION ITEMS:

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

Agenda Item #**15-7-8: Public Hearing to Consider Technical Status and Proposed Revisions to On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II)**

The Board will consider approving for adoption amendments to the OBD II regulations that update requirements to account for Low Emission Vehicle III applications and monitoring

requirements for gasoline and diesel vehicles, and clarify and improve the regulation. The Board will also consider approving for adoption updates to the associated OBD II enforcement regulation to align it with the proposed amendments to the OBD II regulations and a minor amendment to the definition of "emissions-related part" in title 13, CCR section 1900.

[More Information](#)

[Staff Presentation](#)

15-7-1: Consideration of the Proposed Regulation on the Commercialization of Alternative Diesel Fuels (Continued from September 24th)

Staff will present to the Board responses to comments received during the September 24th public hearing on this item and on the combined environmental analysis for the Proposed Regulation on the Commercialization of Alternative Diesel Fuels and the Proposed Re-adoption of the Low Carbon Fuel Standard. The Board will consider adopting the proposed regulation, certifying of the environmental analysis, and approving responses to environmental comments.

[More Information](#)

15-7-2: Consideration of the Proposed Re-adoption of the Low Carbon Fuel Standard (Continued from September 24th)

Staff will present to the Board responses to comments received during the September 24th public hearing on this item. The Board will consider re-adopting the Low Carbon Fuel Standard.

[More Information](#)

CLOSED SESSION

The Board will hold a closed session, as authorized by Government Code section 11126(e), to confer with, and receive advice from, its legal counsel regarding these 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.

Sarah Farley v. California Air Resources Board, Superior Court of California (Sacramento County), Case No. 34-2015-80002044.

POET, LLC, et al. v. Corey, et al., Superior Court of California (Fresno County), Case No. 09CECG04850; plaintiffs' appeal, California Court of Appeal, Fifth District, Case No. F064045; California Supreme Court, Case No. S213394. [remanded to trial court].

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. 09-CV-02234 [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].

California Dump Truck Owners Association v. Nichols, U.S. District Court (E.D. Cal. Sacramento), Case No. 2:11-CV-00384-MCE-GGH; plaintiffs' appeal, U.S. Court of Appeals, Ninth Circuit, Case No. 13-15175.

Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2010-00082774; ARB's successful appeal, California Court of Appeal, Third District, Case No. C071891 [remanded to the trial court].

Truck and Engine Manufacturers Association v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2013-00150733.

Alliance of Automobile Manufacturers v. California Air Resources Board; Sacramento Superior Court, Case No. 34-2013-00152974.

California Chamber of Commerce et al. v. California Air Resources Board, Sacramento Superior Court, Case No. 34-2012-80001313; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075930.

Morning Star Packing Company, et al. v. California Air Resources Board, et al., Sacramento Superior Court, Case No. 34-2013-800001464; plaintiffs' appeal, California Court of Appeal, Third District, Case No. C075954.

Delta Construction Company, et al. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 11-1428.

Alliance for California Business v. Nichols et al., Glenn County Superior Court, Case No. 13CV01232.

Dalton Trucking, Inc. v. United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 13-1283.

Owner-Operator Independent Drivers Association Inc. et al. v. Richard W. Corey et al., U.S. District Court, (E.D. Cal. Fresno) Case No. 1:13-CV-01998-LJO-SAB (transferred by court to E.D.Cal. Sacramento, Case No. 2:14-CV-00186-MCE-AC).

Jack Cody dba Cody Transport v. California Air Resources Board, et al. (Sacramento Superior Court, Case No. 34-2015-80002116).

CO-AL Transport v. California Environmental Protection Agency et al., (United States Court of Appeals, Ninth Circuit, Case No. 15-70839).

John R. Lawson Rock & Oil, Inc. et al. v. California Air Resources Board et al., Fresno County Superior Court, Case No. 14-CECG01494.

Transportation Solutions Defense and Education Fund v. California Air Resources Board, Fresno County Superior Court, Case No. 14CECG01788 (plaintiff's transfer to Sacramento Superior).

California Air Resources Board v. BP West Coast Products LLC, Contra Costa County Superior Court, Case No. C12-00567.

Sacramento Metropolitan Air Quality Management District v. Hardesty Sand & Gravel, et al. (Sacramento County Superior Court, Case No. 34-2011-00101272).

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:

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

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

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

1001 I Street, 23rd Floor, Sacramento, California 95814

(916) 322-5594

ARB 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.