

**LOCATION:**

San Joaquin Valley Air Pollution Control District Office  
1990 E Gettysburg Avenue  
Fresno, California, 93726

**PUBLIC MEETING AGENDA**

**October 20, 2016**

**[Webcast](#)**

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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**  
**October 20, 2016**  
**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 it.

**Consent Item #**

**16-9-1: Public Meeting to Consider Four Research Proposals**

*The Board will consider approving four research proposals developed in response to the Board-approved FY 2016-2017 Annual Research Plan.*

- 1) "Measurement of In-Use Emissions and Fuel Consumption from Vocational Heavy-Duty Vehicles with Conventional and Alternative Engine and Fuel Technologies in Southern California," South Coast Air Quality Management District, Proposal No. 2800-285.

[More Information](#)

[Proposed Resolution](#)

- 2) "Emerging Technology Zero Emission Vehicle Household Travel and Refueling Behavior," University of California, Davis, Proposal No. 2801-285.

[More Information](#)

[Proposed Resolution](#)

- 3) "Monitoring Carbon Dioxide and Methane in Los Angeles, California through Source Attribution and Long-Term Trend Analysis," Caltech, Proposal No. 2802-285.

[More Information](#)

[Proposed Resolution](#)

- 4) "Identifying and Characterizing Air Pollution Sources Along the United States-Mexico Border," San Diego State, Proposal No. 2803-285.

[More Information](#)

[Proposed Resolution](#)

**DISCUSSION ITEMS:**

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

**Agenda Item #**

**16-9-2: Public Hearing to Consider the Proposed Regulation to Provide Certification Flexibility for Innovative Heavy Duty Engines and California Certification and Installation Procedures for Medium- and Heavy-Duty Vehicle Hybrid Conversion Systems (Innovative Technology Regulation)**

*The Board will consider for adoption the proposed Innovative Technology Regulation (ITR) to provide targeted, short-term Air Resources Board certification flexibility and proposed amendments to the Exhaust Emissions Standards and Test Procedures -1985 and Subsequent Model Heavy-Duty Engines and Vehicles (California Code of Regulations, title 13, section 1956.8) to add optional low carbon dioxide emission standards. The proposed ITR and amendments would help accelerate early deployment of engines meeting California's optional low oxides of nitrogen emission standards, robust heavy-duty hybrid engines (particularly hybrids with significant zero-emission range), and high-efficiency heavy-duty engines. The proposed ITR would also define certification and installation procedures for truck and bus hybrid conversion kits to encourage near-term hybridization of the in-use truck and bus fleet. The proposed ITR would provide near-term certification flexibility – primarily OBD compliance flexibility – to encourage technology launch and would sunset between 2021 and 2027, as each technology has an opportunity to gain a market foothold.*

[More Information](#)

[Staff Presentation](#)

**16-9-3: Public Meeting to Hear an Update on Phase 2 Greenhouse Gas Emission Standards for Medium- and Heavy-Duty Engines and Vehicles and Related Research Studies**

*The Board will hear an assessment of the recently published Federal Phase 2 Greenhouse Gas (GHG) Standards for heavy-duty engines and vehicles. The Phase 2 program fully harmonizes the United States Environmental Protection Agency and the National Highway Traffic Safety Administration standards, and the Air Resources Board staff has worked closely with those federal agencies to develop a program that will allow manufacturers to continue to build a single fleet of vehicles and engines. Staff will also identify areas where the Phase 2 standards missed opportunities to further reduce GHG emissions from vocational vehicles and trailers. Staff will discuss how these areas will be addressed in future California rulemakings, while still maintaining harmonized requirements for vehicles and engines. This discussion will also include updates on GHG-related research projects.*

[More Information](#)

[Staff Presentation](#)

**16-9-4: Public Meeting to Hear an Informational Update on the Status of Developing Low-NOx Emission Standards for Heavy Duty On-Highway Engines, Including an Overview of Related Research Studies**

*The Board will hear an assessment of the need to establish more stringent national NOx standards for heavy-duty on-highway engines. In close coordination with the United States Environmental Protection Agency and other stakeholders, Staff believes a new, harmonized national NOx reduction strategy should be established that includes substantially lower NOx emission standards and improvements to existing test procedures and test cycles. The Board will also hear of Air Resources Board sponsored research currently underway that will support reducing NOx emissions significantly below the current standard. This discussion will also include updates on other NOx-related research projects.*

[More Information](#)

[Staff Presentation](#)

**16-9-5: Public Meeting to Consider the 2016 PM2.5 State Implementation Plan for the San Joaquin Valley**

*The Board will consider the 2016 San Joaquin Valley Air Pollution Control District Moderate Area State Implementation Plan (SIP) for the 2012 federal PM2.5 annual standard of 12 ug/m3. Air quality analysis in the 2016 San Joaquin Valley SIP shows that the San Joaquin Valley cannot meet the federal 12 ug/m3 standard by the 2021 moderate area attainment deadline. The Clean Air Act requires that the State submit this analysis as a SIP revision to the United States Environmental Protection Agency (U.S. EPA) prior to U.S. EPA reclassifying the San Joaquin Valley as a serious nonattainment area. A serious nonattainment classification would set a 2025 deadline for the areas to attain the 12 ug/m3 standard. At the Board meeting, Staff will also discuss the types of actions that will be needed to meet the 12 ug/m3 standard and expects to bring a SIP to the Board for its consideration in late 2017 that will meet that standard by the 2025 deadline.*

[More Information](#)

[Staff Presentation](#)

**16-9-6: Public Meeting to Consider Modifications to the Fiscal Year 2016-17 Funding Plan for Low Carbon Transportation and Fuels Investments and the Air Quality Improvement Program**

*The Board will consider proposed modifications to the Fiscal Year 2016-17 Funding Plan for Low Carbon Transportation and Fuels and the Air Quality Improvement Program, originally approved by the Board in June 2016 pending appropriation of funds in the 2016-17 State Budget. The Board-approved plan was predicated on a \$500 million Low Carbon Transportation and Fuels appropriation. On August 31, 2016, the Legislature appropriated \$363 million to the Air Resources Board for Low Carbon Transportation and provided direction on how these funds shall be allocated. In companion legislation, the Legislature enacted several changes to the Clean Vehicle Rebate Project (CVRP). Staff's proposal would modify the Board-approved Funding Plan to reflect the smaller Low Carbon Transportation appropriation and required changes to CVRP.*

[More Information](#)

[Staff Presentation](#)

**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 the following pending or potential litigation, and as authorized by Government Code section 11126(a):*

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

*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.*

*POET, LLC, et al. v. Corey, 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.*

*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 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.

*Kimberly-Clark Worldwide, Inc. v. California Air Resources Board, et al.*, Sacramento County Superior Court, Case No. 34-2015-80002246.

*Sowinski v. California Air Resources Board, et al.*, United States District Court for the Central District of California, Case No. 8:15-cv-02123.

*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.

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

*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.

*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.

*Alliance for California Business v. California Air Resources Board, 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 (dismissed), U.S. Court of Appeals, Ninth Circuit, Case No. 13-74019.

*Owner-Operator Independent Drivers Association Inc. et al. v. 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), plaintiffs' appeal U.S. Court of Appeals, Ninth Circuit, Case Nos. 15-72101 and 15-16429.

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

*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 Court, Case No. 34-2014-80001974-CU-WM-GDS).

*Meeks v. California Air Resources Board, et al.* Los Angeles County Superior Court, Case No. BC592558.

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

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

*American Coating Association, Inc. v. State of California and California Air Resources Board*, Sacramento County Superior Court, Case No. 04CS01707.

*Hamilton v. California Air Resources Board, et al.*, U.S. District Court for the Eastern District of California, Case No. 1:15-CV-01942-AWI-SKO.

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

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

*California Air Resources Board v. SSA Containers, Inc.*, Los Angeles County Superior Court, Case No. BC628573 and No. BC628722.

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

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

*California Air Resources Board v. West Coast Diesel, Inc.*, Fresno County Superior Court, Case No. 15 CECG 03337.

#### **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, 23<sup>rd</sup> Floor, Sacramento, California 95814**

**(916) 322-5594**

**ARB 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.