

**PUBLIC MEETING AGENDA**

**June 22, 2017**

[Webcast](#)

**LOCATION:**

California Environmental Protection Agency  
Air Resources Board  
Byron Sher Auditorium, 2<sup>nd</sup> Floor  
1001 I Street  
Sacramento, California 95814

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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  
June 22, 2017  
9:00 a.m.**

**DISCUSSION ITEMS:**

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

**Agenda Item #**

**17-6-2: The 2016 Haagen-Smit Clean Air Awards**

*The recipients of the 2016 Haagen-Smit Clean Air Awards will be presented with their awards. The Air Resources Board annually presents the Haagen-Smit Clean Air Awards to esteemed persons in the air quality and climate change community – scientists, legislators, professors, activists, business leaders, and others who have made significant contributions toward improving air quality, public health, and our understanding of climate change issues.*

[More Information](#)

[Staff Presentation](#)

**17-6-5: Public Meeting to Hear the Enforcement Division 2016 Annual Report**

*The Board will hear the Enforcement Division 2016 Annual Report, which will include highlights of 2016 enforcement activities in key programs including truck and bus requirements, vehicle certification and aftermarket parts, consumer products, ocean-going vessels and other programs enforced by the Division. Staff will also describe recent activities in the portable equipment registration program and efforts to enhance enforcement in disadvantaged communities. Finally, staff will provide estimates of compliance rates in key programs and explain the Division's goals for 2017 and beyond.*

[More Information](#)

[Staff Presentation](#)

**17-6-1: Public Meeting to Hear an Informational Update on the Enhanced Fleet Modernization Program and Plus-up Car Scrap and Replace Programs**

*The Board will hear an informational update on the program's performance and impacts from changes made in June 2014, including a discussion on the expansion of the program and potential integration with other light-duty incentive programs.*

[More Information](#)

[Staff Presentation](#)

**17-6-3: Public Meeting to Hear an Informational Update on the Red Sticker Off-Highway Recreational Vehicle Program**

*The Board will hear an informational update on staff's assessment of the effectiveness of the Red Sticker program. This program was adopted by the Air Resources Board in 1998 in response to industry's concerns over the availability of off-highway recreational vehicles capable of meeting the Board's new exhaust emissions standards. The Red Sticker program allows manufacturers to certify vehicles as emissions non-compliant, relying on limited usage restrictions to provide needed emissions reductions during the ozone season. In 2013, the Board considered evaporative emissions standards for off-highway recreational vehicles that would have included Red Sticker vehicles. Red Sticker vehicles were ultimately excluded from the regulation to allow staff additional time to develop an assessment of the program and a holistic solution to reduce both exhaust and evaporative emissions from Red Sticker vehicles.*

[More Information](#)

[Staff Presentation](#)

**17-6-4: Public Meeting to Hear the 2017 Progress Report on the Low Carbon Fuel Standard**

*The Board will hear a progress report on implementation of the Low Carbon Fuel Standard (LCFS) program. The report will include discussion of progress on achieving LCFS targets, ultra-low carbon fuel availability to achieve the standards, and program benefits provided by specific provisions within the regulation.*

[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):*

*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 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.*

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

*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.*

*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.

*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.

*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).

*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.

*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.

*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.

*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.

*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.

*California Air Resources Board v. Bombardier Recreational Products*, Los Angeles Superior Court, Case No. BC608480.

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

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

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

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

*People of the State of California ex rel. California Air Resources Board v. Marten Transport Logistics, LLC*, Los Angeles County Superior Court, Case No. BC645288.

*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).

*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 ARB 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  
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### **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.