

PUBLIC MEETING AGENDA

November 19, 2015

[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>

(This facility is accessible to persons with disabilities.)

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AGENDA ITEM IN ADVANCE OF THE MEETING GO
TO: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Thursday
November 19, 2015
9:00 a.m.

DISCUSSION ITEMS:

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

Agenda Item

15-9-1: Public Meeting to Hear a 2015 Legislative Update

The Air Resources Board Legislative Director will present a review of air quality and climate change legislation from the first half of the 2015-2016 Legislative Session.

[More Information](#)

[Staff Presentation](#)

15-9-2: Public Meeting to Update the Board on Advanced Medium- and Heavy-duty Truck Technology Assessments: Hybrid, Battery Electric, and Fuel Cell Electric Vehicles

Staff will provide an informational update to the Board on recently drafted technology assessments for advanced medium- and heavy-duty truck hybrid, battery electric, and fuel cell electric technology. These include advanced technologies that could assist in compliance with the recently proposed federal Phase 2 greenhouse gas standards for medium- and heavy-duty trucks. The technology assessments are intended to support the Air Resources Board planning and regulatory efforts, including California's integrated freight planning and State Implementation Plan development.

[More Information](#)

[Staff Presentation](#)

15-9-5: Public Meeting to Hear a Status Report on the 2030 Target Scoping Plan Update

Staff will provide the Board with information on the process and schedule for the 2030 Target Scoping Plan Update under the California Global Warming Solutions Act of 2006 (AB 32). Staff will present a summary of progress to date and propose a schedule for public workshops, advisory groups, Board hearings, draft/final work products, and other milestones.

[More Information](#)

[Staff Presentation](#)

15-9-3: Public Meeting to Hear an Annual Update on the Cap-and-Trade Program

Staff will update the Board on the status of California's Cap-and-Trade Program, including information on recent auctions, compliance events, Scoping Plan coordination, and linked programs.

[More Information](#)

[Staff Presentation](#)

15-9-6: Public Meeting to Update the Board on the United States Environmental Protection Agency's Clean Power Plan Rules

Staff will update the Board on the United States Environmental Protection Agency's recently finalized "Clean Power Plan" and related rules issued under section 111 of the federal Clean Air Act. Staff will also discuss initial ideas for California's compliance with those rules.

[More Information](#)

[Staff Presentation](#)

15-9-4: Public Meeting to Update the Board on the Adaptive Management Plan for the Cap-and-Trade Program

Staff will update the Board on the cap-and-trade adaptive management program. Adaptive management involves establishing a process to track emissions and identify and evaluate potentially significant adverse impacts from cap-and-trade covered facilities. If needed, this process would also identify potential ways for addressing such impacts, which could then be further developed and implemented pursuant to State law.

[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 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 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.

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.

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.

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

Owner Operator Independent Drivers Association, Inc., United States Environmental Protection Agency, U.S. Court of Appeals, District of Columbia Circuit, Case No. 14-1192.

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.

SMOKING IS NOT PERMITTED AT MEETINGS OF THE CALIFORNIA AIR RESOURCES BOARD