

MEETING  
STATE OF CALIFORNIA  
AIR RESOURCES BOARD

THE GRAND AT 1401  
10TH FLOOR BALLROOM  
1401 FULTON STREET  
FRESNO, CALIFORNIA

THURSDAY, JANUARY 24, 2019  
9:03 A.M.

JAMES F. PETERS, CSR  
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A P P E A R A N C E S

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Hector De La Torre

Mr. John Eisenhut

Senator Dean Florez

Supervisor John Gioia

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Mr. Kurt Karperos, Deputy Executive Officer

Ms. Ellen Peter, Chief Counsel

Ms. Emily Wimberger, Chief Economist

Ms. Veronica Eady, Assistant Executive Officer

Ms. La Ronda Bowen, Ombudsman

A P P E A R A N C E S C O N T I N U E D

STAFF:

Mr. Michael Benjamin, Division Chief, Air Quality Planning and Science Division(AQPSD)

Mr. Tony Brasil, Branch Chief, Transportation and Clean Technology Branch, Mobile Source Control Division(MSCD)

Mr. Pippin Brehler, Senior Attorney, Legal Office

Ms. Laura Carr, Air Pollution Specialis QPSD

Mr. Michael Carter, Assistant Division Chief, MSCD

Mr. Dave Edwards, Assistant Division Chief, AQPSD

Mr. Rhead Enion, Senior Attorney, Legal Office

Mr. Chris Franceschi, Air Pollution Specialist, On-Road Compliance Assistance Section, MSCD

Mr. Jack Kitowski, Division Chief, MSCD

Mr. Webster Tasat, Air Resources Supervisor, AQPSD

Ms. Sylvia Vanderspek, Branch Chief, Air Quality Planning Branch, AQPSD

Ms. Beth White, Manager, On-Road Compliance Assistant Section, MSCD

ALSO PRESENT:

Mr. Gustavo Aguirre, Jr., Central California Environmental Justice Network

Ms. Lori Apodaca, California Citrus Mutual

Mr. Ron Bohigian

Ms. Katherine Calderwood, Center for Advanced Research and Technology

Ms. Noelle Cremers, California Farm Bureau Federation

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Mr. Manuel Cunha, Nisei Farmers League

Mr. Todd Durdella, Bill Crane

Ms. Estela

Mr. Tom Frantz, Association of Irrigated Residents

Ms. Genevieve Gale, Central Valley Air Quality Coalition

Dr. Catherine Garoupa White, Californians Against Fracking

Mr. Kevin Hamilton, Central California Asthma  
Collaborative

Mr. Roger Isom, California Cotton Ginners and Growers  
Association, Western Agricultural Processors Association

Mr. Michael Konle, Champion Crane

Mr. Tom Krazan, California Groundwater Association

Mr. Lupe Martinez

Ms. Nayamin Martinez, Central California Environmental  
Justice Network

Mr. Thomas Menz

Ms. Colby Morrow, SoCalGas

Mr. Tom Patti, Supervisor, San Joaquin County

Mr. Daylan Powell, Center for Advanced Research and  
Technology

Mr. Thomas Preston, Reliable Construction

Ms. Ulla Reeves, National Parks Conservation Association

Mr. Mark Rose, National Parks Conservation Association

Mr. Rocky Rushing, Coalition for Clean Air

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Clare Statham

Mr. Ron Sundergill, National Parks Conservation  
Association

Mr. Michael Vlaming, Crane Owners Association, Mobile  
Crane Operators

Ms. Connie Young, Citizens' Climate Lobby

I N D E X

	PAGE
Call to Order	1
Opening remarks by Chair Nichols	1
Pledge of Allegiance	3
Roll Call	3
Remarks by Chair Nichols	4
Item 19-1-1	
Chair Nichols	5
Executive Officer Corey	6
Staff Presentation	8
Mr. Sheikh	23
Mr. Frantz	33
Ms. Cremers	34
Mr. Isom	36
Dr. Garoupa White	38
Mr. Rose	41
Ms. Reeves	44
Mr. Sundergill	46
Ms. Young	48
Mr. Rushing	50
Ms. Morrow	52
Mr. Menz	54
Ms. Martinez	56
Mr. Powell	58
Ms. Calderwood	59
Mr. Cunha	62
Mr. Aguirre, Jr.	65
Ms. Estela	67
Mr. Hamilton	68
Mr. Martinez	71
Supervisor Patti	73
Ms. Gale	75
Mr. Bohigian	78
Ms. Statham	79
Ms. Apodaca	82
Board Discussion and Q&A	83
Motion	108
Vote	108

I N D E X C O N T I N U E D

	PAGE
Item 19-1-2	
Chair Nichols	109
Executive Officer Corey	110
Staff Presentation	111
Supervisor Patti	123
Mr. Vlaming	126
Mr. Konle	129
Mr. Krazan	131
Mr. Rushing	134
Mr. Preston	135
Mr. Durdella	136
Board Discussion and Q&A	136
Motion	152
Vote	152
Afternoon Session	154
Item 19-1-3	
Chair Nichols	154
Executive Officer Corey	154
Board Discussion and Q&A	174
Public Comment	183
Adjournment	184
Reporter's Certificate	185

## 1 P R O C E E D I N G S

2 CHAIR NICHOLS: We have a quorum here or so I'm  
3 told, so let's get started.

4 Good morning, everybody. I could say welcome to  
5 Fresno, but this is not my home town. It is the second  
6 time I've been in this building though. I was here just a  
7 couple months ago to testify in front of a federal panel  
8 on behalf of the California greenhouse gas emission  
9 standards. This is where they chose to have their  
10 hearing. And I'd never been in the building before. This  
11 room is awesome. It was obviously designed however for a  
12 somewhat different era, not for everything being wired or  
13 for a Board that's as big as this one is. It makes me  
14 feel like we should be, you know, doing some flamenco or  
15 something on the stage.

16 (Laughter.)

17 CHAIR NICHOLS: But you're not going to get that  
18 treat either today, at least not until maybe after the  
19 meeting is over.

20 But before we proceed with the formal part of the  
21 festivities, I would like to ask our Board member who is  
22 from Fresno to say a word or two of greeting.

23 BOARD MEMBER SHERRIFFS: Thank you very much.  
24 Really appreciate the ARB Board and staff coming here. I  
25 think it shows a great deal of respect for the community.



1 I know personally when we meet outside of Sacramento when  
2 we've gone to Riverside, when we've gone to Diamond Bar,  
3 these are -- it's very important meetings. It's a great  
4 chance to get closer to the communities that we serve.  
5 And I know it is a great deal of effort to -- to move the  
6 circus around. But really appreciate, particularly for  
7 today's Board meeting to come, and welcome.

8           Everybody should walk out on the balcony.  
9 Hopefully the fog will clear a little bit. Hopefully,  
10 that's not air pollution. Hopefully it's fog, and it's  
11 the -- it will lift and we'll be able to see the glorious  
12 Sierra.

13           But again, thank you all for coming. Welcome to  
14 the valley. Welcome to the heartland, the agricultural  
15 heartland. And I hope people get off 99 on their way back  
16 to wherever they're going, so they can get a little -- a  
17 little flavor of what's out there.

18           Thank you.

19           CHAIR NICHOLS: Thank you so much. If you saw me  
20 looking around looking somewhat confused, it was because I  
21 was wondering where the flag was that we were going to say  
22 the Pledge of Allegiance to. But there is one over there.

23           (Laughter.)

24           CHAIR NICHOLS: So thank you very much. That was  
25 really resourceful. So with that, would everybody please

1 rise and join me in saying the Pledge.

2 (Thereupon the Pledge of Allegiance was  
3 recited in unison.)

4 CHAIR NICHOLS: We really are the Air Resources  
5 Board. That was impressive.

6 All right. The Clerk will please call the roll.

7 BOARD CLERK DAVIS: Dr. Balmes?

8 BOARD MEMBER BALMES: Here.

9 BOARD CLERK DAVIS: Mr. De La Torre?  
10 Mr. Eisenhut?

11 BOARD MEMBER EISENHUT: Here.

12 BOARD CLERK DAVIS: Senator Florez?  
13 Assembly Member Garcia?

14 Supervisor Gioia?

15 BOARD MEMBER GIOIA: Here.

16 BOARD CLERK DAVIS: Ms. Mitchell?

17 BOARD MEMBER MITCHELL: Here.

18 BOARD CLERK DAVIS: Mrs. Riordan?

19 BOARD MEMBER RIORDAN: Here.

20 BOARD CLERK DAVIS: Supervisor Serna?  
21 Dr. Sherriffs?

22 BOARD MEMBER SHERRIFFS: Here.

23 BOARD CLERK DAVIS: Professor Sperling?  
24 Ms. Takvorian?

25 BOARD MEMBER TAKVORIAN: Here.

1 BOARD CLERK DAVIS: Vice Chair Berg?

2 VICE CHAIR BERG: Here.

3 BOARD CLERK DAVIS: Chair Nichols?

4 CHAIR NICHOLS: Here.

5 BOARD CLERK DAVIS: Madam Chair, we have a  
6 quorum?

7 CHAIR NICHOLS: Thank you very much.

8 I believe a couple of our Board members are  
9 driving up this morning from Southern California and will  
10 be joining us in a little bit.

11 Okay. A couple of announcements before we get  
12 started. Interpretation services will be provided today  
13 in Spanish for Item number 19-1-1, the PM2.5 State  
14 Implementation Plan for the San Joaquin Valley; and also  
15 for 19-1-3, CARB's Program Priorities for 2019. Headsets  
16 are available outside the room at the sign-up table, and  
17 can be picked up at any time.

18 I would like for the translator to repeat these  
19 remarks in Spanish.

20 (Thereupon the interpreter translated  
21 in Spanish.)

22 CHAIR NICHOLS: Thank you.

23 For safety reasons, please note the emergency  
24 exit to the rear of the room. We go out through the  
25 lobby. In the event of a fire alarm, we have to evacuate

1 this room immediately and go down the stairs to the left  
2 of the elevator and out of the building. And then when  
3 the all-clear signal is given, we're able to return to the  
4 room and resume the hearing.

5           Anyone who would like to testify should fill out  
6 a request-to-speak card. These are also available outside  
7 in the lobby. And we appreciate it if you'd turn it into  
8 the Board Clerk over here, or an assistant, prior to the  
9 commencement of the item that you're interested in  
10 speaking about.

11           Also, speakers should be aware that we will  
12 impose a three-minute time limit. Please state your first  
13 and last name when you come to the podium and put your  
14 testimony into your own words rather than reading it, if  
15 you can. It makes it much easier for us to follow. And  
16 if you do have written testimony, it will be also taken  
17 into the record, so we'll have an opportunity to review it  
18 and respond to it as well.

19           Okay. I think with that, we are ready to get  
20 started. And the first item on our agenda, and the  
21 reason -- main reason why we're here in Fresno today is  
22 the 2018 State Implementation Plan for fine particles for  
23 the San Joaquin Valley. The last time the Board was in  
24 Fresno to take up a similar SIP, we deferred action, and  
25 directed the staff to work with the District and

1 stakeholders to find additional emissions reductions.

2           While the process has taken longer than anyone  
3 anticipated at the time, the new plan that's before us  
4 today is the most comprehensive ever developed for the  
5 valley. This plan seeks to attain all four of the PM2.5  
6 standards, whereas the prior plan addressed only one of  
7 those standards. Staff has advised me that this plan is  
8 the result of a new level of partnership that has been  
9 developed between CARB and the District, as well as some  
10 productive dialogue between the District and community  
11 advocates.

12           Continuing this collaboration after the Board  
13 acts today will be extremely important to the success of  
14 the plan. We can't just adopt a plan and then walk away.  
15 It's going to take work to make it into a reality. We  
16 know that implementation is going to be challenging, and  
17 will require positive engagement from all parties,  
18 including business, agriculture, activists, advocates, the  
19 District and CARB ourselves.

20           So with that, I will turn it over to Mr. Corey,  
21 our Executive Officer, to introduce the item.

22           EXECUTIVE OFFICER COREY: Thanks, Chair Nichols.

23           The PM2.5 plan establishes a comprehensive  
24 strategy to attain four -- as you mentioned, four federal  
25 air quality standards to protect public health from fine

1 particulate matter pollution in the San Joaquin Valley.  
2 Staff developed this plan, as you noted, following Board's  
3 direction to craft a robust plan with a balance of mobile,  
4 stationary, and area source measures to reduce NOx and PM  
5 taking the time to conduct an extensive public process.

6 CARB's commitments in this SIP on the mobile  
7 source side will look familiar. Just three months ago at  
8 the October meeting, the Board adopted the San Joaquin  
9 Valley Supplement to the 2016 State Strategy for the State  
10 Implementation Plan. That action, along with the Mobile  
11 Source Strategy laid out CARB's commitment to achieve the  
12 needed emission reductions from mobile sources.

13 The SIP includes District actions to achieve  
14 direct PM2.5 reductions from more stringent controls on  
15 wood burning fireplaces and heaters, incentives to install  
16 control technology on commercial under-fired charbroilers,  
17 and a commitment to conduct additional research on  
18 enhanced conservation management practices. The District  
19 measures also achieve NOx reductions from a suite of more  
20 robust district rules for flares, boilers, steam  
21 generators, and internal combustion engines used in  
22 agricultural operations. The plan is unprecedented in  
23 scope and we recommend its approval.

24 I also wanted to briefly mention a separate  
25 matter regarding the District's use of emission reduction

1 credits that was covered in a recent report. In that  
2 report, Earthworks identified what it sees as shortcomings  
3 in the District's ERC bank. In response, I've begun  
4 discussions with the District APCO, Samir Sheikh, and  
5 others, concerning our plans to evaluate the credit  
6 system.

7 I'll now ask Laura Carr of the Air Quality  
8 Planning and Science Division to begin the staff  
9 presentation.

10 Laura.

11 (Thereupon an overhead presentation was  
12 presented as follows.)

13 AIR POLLUTION SPECIALIST CARR: Thank you, Mr.  
14 Corey. Good morning, Chair Nichols and good morning,  
15 Board Members.

16 This morning I'll be presenting the PM2.5 plan  
17 for the San Joaquin Valley that demonstrates attainment of  
18 four PM2.5 air quality standards. I'll start by  
19 discussing how we got to where we are today, then  
20 summarize the control strategy in the SIP, and wrap up by  
21 talking about the next critical phase for the plan, which  
22 is implementation.

23 --o0o--

24 AIR POLLUTION SPECIALIST CARR: The first thing I  
25 want to highlight is that the Valley PM2.5 Plan is a

1 significant step forward for the valley. This is the  
2 first time that a plan addresses and shows attainment of  
3 all four federal PM2.5 air quality standards. Plan  
4 development was shaped by an extensive public process,  
5 with new levels of collaborative dialogue between CARB and  
6 the San Joaquin Valley Air District and stakeholders.

7 As a result of that collaboration, the plan  
8 balances reductions in direct PM2.5 and NOx emissions from  
9 a range of important sources in the valley. It includes  
10 controls on stationary and area sources, like flares,  
11 residential wood burning, and commercial charbroiling.  
12 And it also relies on significant reductions from mobile  
13 sources like trucks, agricultural equipment, and off-road  
14 equipment among others. Using a combination of rule-based  
15 and incentive-based approaches.

16 --o0o--

17 AIR POLLUTION SPECIALIST CARR: As the Chair  
18 alluded to, you may recall that two years ago, the Board  
19 considered a moderate area plan for one of the PM2.5  
20 standards in the valley. That plan was just for the 12  
21 microgram per cubic meter annual standard, and  
22 demonstrated that attaining the standard by the moderate  
23 area deadline of 2021 was impracticable. It also included  
24 the District's request to be classified as serious  
25 nonattainment for the 12 microgram standard.



1           The plan was adopted by the District board. But  
2 when CARB considered the plan in October 2016, you decided  
3 to table the plan and provided direction to staff, namely:  
4 Conduct a more thorough public process, find additional  
5 direct PM2.5 and NOx reductions from both mobile and  
6 stationary sources, and finally, return to the Board with  
7 a path for attaining all PM2.5 standards in the valley.

8           The comprehensive Valley PM2.5 Plan is the  
9 response to that Board direction --

10                           --o0o--

11           AIR POLLUTION SPECIALIST CARR: -- and that  
12 brings us to where we are today with a plan that  
13 demonstrates attainment of four federal PM2.5 air quality  
14 standards.

15           Two of the standards shown above the arrow are  
16 for PM2.5 levels on a 24-hour basis. And the other two  
17 shown below the arrow are on an annual basis. There are  
18 multiple attainment years for the various standards. And  
19 the standards become more stringent over time.

20           With implementation of the proposed plan, the  
21 valley will attain the 65 microgram 24-hour standard by  
22 2020, the 15 microgram annual standard also by 2020, the  
23 35 microgram 24-hour standard by 2024, and the 12  
24 microgram annual standard by 2025. The plan meets Clean  
25 Air Act requirements for a non-attainment area classified

1 as serious for each of these standards.

2 For the two standards with the 2020 attainment  
3 date, the 65 and 15 microgram standards, emissions  
4 reductions from implementation of existing control  
5 measures are enough to get the valley to attainment. To  
6 attain the two more stringent standards with later  
7 attainment dates, the 35 and the 12 microgram standards,  
8 further emission reductions are needed, and those are  
9 provided in this plan.

10 Just a note on the rest of the presentation. To  
11 try to avoid confusion with the multiple attainment dates,  
12 the presentation focuses just on 2024, since that year is  
13 the first of those future attainment years where new  
14 reductions are needed.

15 --o0o--

16 AIR POLLUTION SPECIALIST CARR: One thing we want  
17 to emphasize is that the public process was a vital part  
18 of developing the Valley PM2.5 Plan. Part of the Board  
19 direction in 2016 was to conduct additional public process  
20 in the valley.

21 And over the past two years, CARB and the  
22 district have done exactly that. We've worked closely  
23 with each other, U.S. EPA, and industry, and health  
24 advocates. CARB and the District hosted ten public  
25 meetings on the strategy for the Valley PM2.5 Plan,

1 including, for example, the one shown here in a screen  
2 capture from the webcast.

3           This was a joint public meeting held in Fresno in  
4 August of last year to discuss the draft plan. And it  
5 featured a panel of District and CARB Board members,  
6 including Senator Florez, Dr. Sherriffs, and Mr. Eisenhut.  
7 And it was very well attended by the public. We had a  
8 packed house with standing room only.

9           That meeting exemplifies both the level of public  
10 interest in this plan and the close level of engagement  
11 from CARB, the District, U.S. EPA, and stakeholders. It  
12 illustrates that everyone came to the table, literally as  
13 well as metaphorically to develop this plan. As we work  
14 on other plans moving forward, we want to use the level of  
15 outreach and engagement in this process as a model.

16                           --o0o--

17           AIR POLLUTION SPECIALIST CARR: Turning now to  
18 talk about the emissions reductions needed in the control  
19 strategy, the Valley PM2.5 Plan provides the reductions  
20 that are needed to get the valley to attainment for all  
21 standards focusing on direct PM2.5 and NOx as the two most  
22 important contributors to PM2.5 levels in the valley. The  
23 plan also reflects a mix of controls on mobile,  
24 stationary, and area sources.

25           Reductions come from implementation of currently

1 existing programs shown in dark red in the charts, as well  
2 as from new District and CARB measures shown in green.  
3 Implementation of current and new measures gets us down  
4 from baseline emissions, shown in gray on the left-hand  
5 side of each chart, to the emissions levels in yellow that  
6 are needed for attainment.

7 Over the next few slides, I'll cover the District  
8 and CARB measures in the SIP that achieve the reductions  
9 needed to get to these attainment targets.

10 --o0o--

11 AIR POLLUTION SPECIALIST CARR: Starting with the  
12 District strategy, the District commits to an aggregate  
13 reduction of 1.3 tons per day of directly emitted PM2.5  
14 and 1.9 tons per day of NOx emissions in 2024. The direct  
15 PM2.5 reductions come from three main measures.

16 First, the District is strengthening its  
17 residential wood-burning rule by lowering curtailment  
18 thresholds in the most heavily impacted regions of the  
19 valley, and increasing incentive amounts for residents to  
20 replace their wood-burning stove or fireplace with a  
21 cleaner burning device. The District has, in fact,  
22 already started the public process for this rule amendment  
23 and is aiming to have the updated rule in place next  
24 winter.

25 Second, the District is reducing PM2.5 emissions

1 by strengthening its controls on commercial charbroiling,  
2 setting up reporting requirements for underfired  
3 charbroilers and providing enhanced incentives for  
4 restaurants to install control technologies.

5 Third, the District recently announced incentives  
6 for pilot projects for low-dust nut harvesting equipment,  
7 and alternatives to open agricultural burning, reducing  
8 direct PM2.5 emissions and addressing concerns raised by  
9 the public about those sources of emissions.

10 And finally, the District strategy tightens a  
11 suite of existing rules to get additional NOx reductions  
12 from flares, boilers, process heaters, glass plants, and  
13 other stationary sources.

14 --o0o--

15 AIR POLLUTION SPECIALIST CARR: Looking at the  
16 District strategy in detail, this table shows the  
17 estimated reductions of direct PM2.5 and NOx emissions by  
18 2024 from each District measure. It's important to note  
19 here that like CARB, the District commits in the plan to  
20 achieving aggregate emission reductions - in this case,  
21 1.3 tons per day direct PM2.5, and 1.9 tons per day NOx.  
22 So that while the table includes estimates of the emission  
23 reductions from each of the individual measures, final  
24 measures as proposed for adoption into the SIP may provide  
25 more or less than the initial emission reduction

1 estimates, while still achieving the aggregate emissions  
2 reduction committed to in the SIP.

3 --o0o--

4 AIR POLLUTION SPECIALIST CARR: On the Mobile  
5 Source Strategy side, implementation of CARB's current  
6 mobile source control program achieves most of the needed  
7 NOx reductions. And new mobile source reductions coming  
8 from the 2016 State SIP Strategy, and the recently adopted  
9 San Joaquin Valley Supplement to the 2016 State SIP  
10 Strategy achieve the remaining needed reductions.

11 The Valley Supplement to the State SIP Strategy  
12 in particular will seem familiar, since the Board adopted  
13 it in October of last year. New measures detailed in the  
14 strategy achieve one ton per day reduction of directly  
15 emitted PM2.5 and 32 tons per day reduction of NOx  
16 emissions, based on an aggressive timeline for action and  
17 implementation.

18 In the near term, for example, the Board can  
19 anticipate seeing the California Low-NOx Engine Standard  
20 and Accelerated Turnover of Agricultural Equipment  
21 Measures.

22 --o0o--

23 AIR POLLUTION SPECIALIST CARR: Shown here are  
24 some selected measures from the valley strategy. And you  
25 can see listed here the California Low-NOx Engine Standard

1 and the Accelerated Turnover of Agricultural Equipment  
2 measures, which I just mentioned, along with the two  
3 measures on lower opacity limits and amended warranty  
4 requirements for heavy-duty vehicles, which the Board  
5 already adopted in May and June of last year.

6 Like the District, CARB's SIP commitment is to  
7 achieve aggregate emission reductions, in this case one  
8 ton per day direct PM2.5 and 32 tons per day NOx. So if a  
9 particular measure does not get its expected emission  
10 reductions, the State is still committed to achieving the  
11 total aggregate emission reductions through other  
12 measures.

13 --o0o--

14 AIR POLLUTION SPECIALIST CARR: These measures  
15 result in reductions of direct PM2.5 and NOx emissions  
16 that get the valley to attainment. And here we can see  
17 the breakdown of the measures' contribution to total  
18 reductions.

19 Looking first at direct PM2.5, about half of the  
20 new reductions come from area source control measures,  
21 shown here in orange, including the strengthened  
22 residential wood burning rule, commercial charbroiling,  
23 and enhanced conservation management practices.

24 The other half of the needed reductions come from  
25 mobile source measures, shown here in blue, especially

1 from the incentive-based turnover of agricultural  
2 equipment.

3 And looking at NOx, most of the new reductions  
4 come from mobile source measures, including again turnover  
5 of agricultural equipment, and turnover of trucks and  
6 buses, and the Lower In-Use Emission Performance Level  
7 measure. Additional NOx reductions come from tightened  
8 controls on stationary sources like flares, boilers,  
9 process heaters, and internal combustion engines at ag  
10 operations.

11 --o0o--

12 AIR POLLUTION SPECIALIST CARR: Taken together,  
13 reductions from all these District and CARB measures  
14 provide significant air quality benefits for the valley,  
15 and we can look at the impact that reductions will have on  
16 actual PM2.5 air quality levels taking Fresno as an  
17 example.

18 As shown in this slide in the plan base year of  
19 2013, the 24-hour PM2.5 concentration is 60 micrograms per  
20 cubic meter. And after implementing the proposed District  
21 and State measures, we can see that the plan delivers  
22 about a 40 percent improvement in air quality, getting to  
23 attainment of the 35 microgram 24-hour standard in 2024.

24 --o0o--

25 AIR POLLUTION SPECIALIST CARR: As the Board



1 heard last October, incentive funds will continue to be a  
2 critical element of successfully reducing emissions. The  
3 District already administers a successful incentive  
4 program in the valley. And we want to make sure that  
5 incentive dollars continue to flow to keep the programs'  
6 success going.

7           To put incentive funds in context, while  
8 regulatory actions account for almost 90 percent of the  
9 emission reductions in the Valley PM2.5 Plan, emission  
10 reductions from incentive programs are needed for that  
11 last increment to reach attainment.

12           About \$5 billion in incentives will be needed in  
13 the valley through 2024 to successfully achieve the  
14 emission reductions needed for attainment. A good portion  
15 of that estimated amount is needed to continue to fund the  
16 successful work of the ag industry to retrofit and replace  
17 ag equipment above and beyond the accelerated pace they've  
18 already set.

19           The Valley PM2.5 Plan estimates that about 12,000  
20 pieces of ag equipment will need to be replaced as part of  
21 the effort to get to attainment. And the District and the  
22 ag industry are working now to distribute over \$200  
23 million for fiscal years 2017-18 and 2018-19 to get a head  
24 start on that number.

25                           --o0o--

1           AIR POLLUTION SPECIALIST CARR: So as we start to  
2 think about the next phase for the plan, transitioning  
3 into implementation, securing a steady stream of incentive  
4 funds will be one of the areas we'll want to focus on and  
5 make a priority.

6           This will be a joint effort with CARB, the  
7 district, the ag industry and others working together to  
8 pursue those incentive dollars. Another important focus,  
9 as we move forward, will be the implementation of the  
10 residential wood-burning rule. Multilingual education and  
11 outreach will be an important component, as will  
12 health-protective daily air quality forecasting, and  
13 stepped up enforcement.

14           The District has already started the process of  
15 exploring feasible alternatives to open agricultural  
16 burning, such as soil incorporation, and that will  
17 continue into the plan implementation phase.

18           Lastly, CARB has a number of research efforts  
19 underway to improve the understanding of various ammonia  
20 sources in California. This involves deployment of a  
21 mobile measurement platform equipped with a  
22 state-of-the-science ammonia analyzer and other advanced  
23 instruments, as well as studies on the effectiveness of  
24 various alternative manure management practices to reduce  
25 emissions.

1           These are all subjects that came up repeatedly  
2 from the public and from Board members during the  
3 development of the Valley PM2.5 Plan. And CARB and the  
4 district will continue to be closely engaged on these  
5 issues as we move forward with implementation of the SIP.

6                           --o0o--

7           AIR POLLUTION SPECIALIST CARR: Another important  
8 piece as we move beyond plan development and into plan  
9 implementation is regular reporting on our progress, to  
10 make sure both CARB and the District are staying on track  
11 to meet our goals laid out in the SIP.

12           Based on direction received from the Board during  
13 the October 2018 hearing, CARB staff proposes to report  
14 annually to the Board on the status of implementation of  
15 the plan. The purpose of the reporting is to provide an  
16 opportunity for staff and the Board to evaluate in a  
17 transparent manner whether we're progressing as expected  
18 towards meeting the valley's clean air goals, and, if not,  
19 to allow for needed course corrections.

20           Staff is proposing to update the Board on the six  
21 topics shown here. Reporting on air quality and emissions  
22 trends could include how PM2.5 air quality changed in the  
23 last year regionally and locally, and whether control  
24 measures are resulting in reductions in direct PM2.5 and  
25 NOx at the needed pace.

1           On enforcement, CARB will report on what the  
2 State and District are doing to enforce our regulations  
3 and rules in the valley, including potentially an update  
4 on CARB's roadside inspections for heavy-duty trucks, and  
5 implementation of the District's wintertime residential  
6 Check Before You Burn program.

7           While the Valley PM2.5 Plan is based on the best  
8 currently available science, there are a number of studies  
9 and research efforts currently underway that could provide  
10 new information on how PM2.5 forms in the valley. So  
11 staff plans to update the Board on preliminary findings  
12 from these projects, and any implications for the SIP  
13 control strategy, including potentially on ammonia, NOx  
14 from soils, and species-resolved PM2.5 monitoring in  
15 Fresno.

16           On regulatory actions, CARB will report on  
17 whether we and the District are on track with meeting our  
18 rulemaking commitments, including an update on workshops  
19 already held or scheduled and the date of any scheduled  
20 Board action.

21           And, of course, staff plans to report on the  
22 status of money secured to fund the incentive-based  
23 projects needed to accelerate the last increment of  
24 reductions and any update to the amount of funding needed.

25           Separate from the Valley PM2.5 plan, there are

1 other concerns that CARB is tracking and could also  
2 include in these annual reports to the Board. As Mr.  
3 Corey mentioned, we'll be working with the val -- or with  
4 the District on evaluating the valley's emission reduction  
5 credits, or ERCs, and progress updates on that process  
6 could be included here.

7 --o0o--

8 AIR POLLUTION SPECIALIST CARR: It's been a long  
9 process to get to this point, but the two years of work on  
10 the Valley PM2.5 Plan have produced a SIP that shows  
11 attainment of all four PM2.5 standards and will result in  
12 significant air quality improvement for the valley.

13 So staff recommends that the Board adopt the two  
14 PM2.5 plans being considered and direct the Executive  
15 Officer to transmit them to U.S. EPA as a revision to the  
16 California SIP.

17 Adoption of the tabled 2016 moderate plan for the  
18 12 microgram annual standard is still needed, and CARB  
19 must submit this plan together with the 2018 comprehensive  
20 Valley PM2.5 Plan as a package to fully address Clean Air  
21 Act requirements for the 12 microgram standard.

22 That concludes the presentation. And I would now  
23 like to introduce Samir Sheikh, the Air Pollution Control  
24 Officer of the San Joaquin Valley Air Pollution Control  
25 District to provide a few comments on the SIP.

1 CHAIR NICHOLS: Good morning. Welcome.

2 MR. SHEIKH: Thank you, and good morning. And  
3 welcome to you actually to Fresno.

4 CHAIR NICHOLS: It's true. It's the other way  
5 around.

6 (Laughter.)

7 CHAIR NICHOLS: Well, welcome to our meeting.

8 (Laughter.)

9 MR. SHEIKH: No. Thank you. And I know -- I  
10 know most, if not all, of the Board members are certainly  
11 no strangers here to Fresno and to the valley. But it is  
12 always nice to see you here. I wanted to welcome you to  
13 Fresno. And actually this building used to be where our  
14 agency was housed about 20 years ago or so. So it is nice  
15 to see you here.

16 And this building in particular there's a little  
17 bit of a District history to it as well. And I would  
18 encourage everybody to go out and hopefully get some fresh  
19 air a bit perhaps later. Looking at the readings, it's  
20 looking pretty good today so far. But as you know, during  
21 the wintertime, we do have some difficult PM issues. So  
22 hopefully we don't see that rise a little bit later today.  
23 We do have a no-burn day, by the way, in effect today just  
24 to note.

25 So I wanted to first start off by thanking the

1 Board for your attention to this plan, and really  
2 encourage you to adopt this plan today. It's been a lot  
3 of work by -- by not only the Board, who's kept a very  
4 close eye on the activities related to the plan, but  
5 really the staff. I wanted to thank Richard and Kurt --  
6 and I'm looking around the chairs over here -- a lot of  
7 the staff that have been involved Webster, and Laura --  
8 great presentation by Laura -- and Sylvia and Michael, all  
9 who have taken a lot of time to be in the valley for a lot  
10 of meetings, meeting with us, meeting with stakeholders,  
11 through public workshops. You know, actually dozens of  
12 meetings really when you add it up, in addition to the  
13 public workshops that have been taken to help support  
14 adoption of this plan.

15 I also wanted to thank all of the stakeholders  
16 that have really taken the time. A lot of these meetings  
17 are in the evening. It's not easy to come out and go  
18 through what often is, you know, very dense information  
19 about PM2.5. Health advocates who have been at the table,  
20 the industry stakeholders who are all a part of this plan.  
21 I really appreciate all the time that everybody has taken  
22 to really help shape this and make it the best plan  
23 possible over these couple of years that we've been  
24 working on this.

25 Our boards did lay out a challenge for all of us

1 to, you know, go back and sharpen our pencils and see what  
2 we can come up with in terms of what the best possible  
3 measures could be under this plan. And I think before you  
4 today you have a plan that's very comprehensive. It  
5 includes a number of measures across stationary and mobile  
6 sources, everything from getting residents involved with  
7 the residential wood-burning strategy to all of the  
8 industries. And then, of course, the mobile sector, where  
9 obviously CARB, you know, is putting a lot of attention  
10 into dealing with those issues.

11 And there is no doubt that even with all the  
12 progress we've made over the years, we have invested, as  
13 you all know, billions of dollars across all of the  
14 measures. Fleets right now are currently complying with  
15 the State Truck and Bus Reg. Stationary sources are  
16 complying with even upcoming deadlines with our existing  
17 rules. Those have taken a lot of resources to put into  
18 place.

19 But even with all of that, we know there's a big  
20 challenge here with dealing with PM2.5. And so this plan  
21 really keeps that ball moving forward. It's very  
22 aggressive. It's bold. It's innovative. It has a number  
23 of measures that I think we can all, upon adoption of this  
24 plan, continue to work on, so we can actually focus on  
25 implementation, and move forward with these measures. I



1 wanted to thank the Board again for keeping an eye on  
2 that.

3 I wanted to just talk really quick about -- about  
4 the plan, and what it really means for us here in the  
5 valley. There are, as I just mentioned, a number of  
6 really important measures in this plan. As was mentioned  
7 by staff, the residential wood-burning strategy is one  
8 that we've been working on for a long time here in this  
9 region. It's been evolving over time. We've done rule  
10 after rule to continue ratcheting down on those  
11 requirements. We've done a lot of public education and  
12 outreach. Because if we don't do that, you actually can't  
13 implement that measure, you know, without having the  
14 public totally bought into what we're trying to do, have  
15 some incentives available so we can transition to natural  
16 gas and other technologies, and then have folks listen to  
17 us when we go out there and do, you know, no burn days,  
18 you know, make sure we have complete buy-in.

19 And I can tell you that the public is -- you  
20 know, over these years that we've implemented that  
21 strategy is increasingly and I think strongly behind  
22 efforts to move forward with that strategy. And I think  
23 with -- what we have in the plan, where we continue to  
24 ratchet down on the no-burn threshold, while providing  
25 that education and outreach with incentives, really moves

1 that bar forward. And I hope to see some great progress  
2 in that area as we move forward with that.

3 I think on the other areas there with under-fired  
4 charbroiling, this is again one of those community-level  
5 measures that we've been working on. It's the first of  
6 its kind. I know there's been talk about doing these  
7 types of things in other areas. I can tell you with the  
8 measure we have in this plan, it really will, you know,  
9 once again put the San Joaquin Valley on the map in terms  
10 of coming up with the first and sort of unique measure for  
11 that category.

12 It's not an easy one to tackle. There are a lot  
13 of small businesses out there that are -- we're now  
14 engaging with, trying to understand, you know, what it's  
15 going to mean to put on controls on their restaurants.  
16 And we know there's a very small, you know, bottom line,  
17 you know, when it comes to those types of businesses. But  
18 we have incentives that we're trying to make available.  
19 Of course, we could always use more resources to help with  
20 that, because it is a very bold measure.

21 And so we're going to be moving forward with  
22 that. We're already engaging with those restaurants,  
23 polling them, registering them, and also inviting them to  
24 participate. And we're seeing increased response from  
25 them and taking advantage of our funding to put on those

1 new technologies, so we can prove them out, have local  
2 examples that others can look at, and see that they work,  
3 and then in a short amount of time actually make a big  
4 difference hopefully with that measure -- you know, with a  
5 regulatory backstop that's going to be -- that's going to  
6 go along with those incentives with that measure.

7           On the other areas, you know, I wanted to also  
8 let you know with adoption of our plan, we've also moved  
9 very quickly forward with a couple of key areas that came  
10 up during the public process.

11           The nut harvesting operations. You know, upon  
12 adoption of our plan, we actually approved the new  
13 incentive program to really move forward with those  
14 technologies that could reduce emissions from those  
15 activities. That program is up and running. We're having  
16 a lot of interest in that program. And it's one that we  
17 continue to want to grow over time and see if we can make  
18 a major shift happen with those activities as a result of  
19 that type of an effort.

20           And then we also opened a new program to pursue  
21 alternatives to ag burning, particularly practices like  
22 the soil incorporation or whole orchard recycling, as  
23 sometimes is referred to. Actually, that program is also  
24 seeing a lot of interest. We're seeing growers that are  
25 interested in trying those practices and really learning

1 from them, coming to us and taking advantage of those  
2 funds.

3           We hope that through those types of programs we  
4 can keep promoting those things and answer the kind of  
5 questions that I think the growers need to see answered  
6 for them to do a wider adoption of those types of  
7 measures, because we know that that issue is one that, you  
8 know, requires some really creative solutions to tackle  
9 with some of the ongoing issues that we've seen there.

10           And then lastly, you know, one that doesn't get  
11 quite as much attention, but I know this Board actually  
12 took some action recently, a couple of months ago, at your  
13 Board meeting is commercial lawn and maintenance  
14 equipment, where upon adoption of our plan -- again, this  
15 is a community level program. You know, often it doesn't  
16 show up as the biggest issue from a modeling and  
17 attainment perspective, but we do think every -- every  
18 piece of this plan is important, even if individually they  
19 may not be the big -- you know, the biggest measures, you  
20 know, when it comes to the tonnage and the attainment  
21 modeling.

22           But there, we did adopt a new incentive program  
23 that built upon a pilot effort that was supported by CARB  
24 several years ago. That program actually funds zero  
25 emissions equipment in the commercial sector. I think

1 that, along with -- we actually have a comprehensive  
2 strategy in this plan that I think again will be a good  
3 example for other regions. But it includes coming up with  
4 best practices, model requirements that cities and  
5 counties could consider adopting, as well as incentives  
6 for this zero emissions equipment that we hope can make a  
7 difference at that community level with the commercial  
8 lawn and garden equipment.

9           And when you couple that with the stationary  
10 source measures, as was mentioned by staff, we're out  
11 there right now actually workshopping a new flare rule.  
12 We're looking at boiler -- enhanced boiler and steam  
13 generator requirements, glass plants, IC engines, you name  
14 it. There's a number of measures in the plan that are  
15 going -- going to be going through very robust public  
16 processes, that are going to continue moving the ball  
17 forward with industries that have been heavily regulated  
18 over the years, but where we think we may be able to find  
19 some additional opportunities. There's quite a bit in  
20 this plan to support, you know, with respect to all of  
21 these measures.

22           On the mobile side, I wanted to thank the Board  
23 again for what you did back in October with the mobile  
24 SIP. It did draw a clear marker for what we would like to  
25 see happen here with respect to the mobile sources of

1 emissions. There is quite a bit of funding that's going  
2 to be required that goes along with that mobile SIP. And  
3 so we are working with all of our valley stakeholders and  
4 with you to make sure that there is funding out there. As  
5 was mentioned, the FARMER funding and the agricultural  
6 equipment replacement program is a key component of that.

7 And so we are working right now, as was mentioned  
8 in the presentation, to distribute those \$200 million of  
9 State funds that have come our way for those programs. I  
10 can tell you the ag industry is responding, working very,  
11 very closely with us to do as much as we can cost  
12 effectively with those funds, and move that needle  
13 forward.

14 But we do need to work together to really push  
15 for even more funding to assist us with those efforts.  
16 And, you know, it is a very critical part of this plan,  
17 and we are in the legislative cycle right now. And those  
18 decisions are being made right now. So I wanted to note,  
19 you know, that we needed to work together to keep moving  
20 that ball forward. And we all saw what came out in the  
21 Governor's budget. And I'm not going to get into detail  
22 about that. But, you know, there's clearly some work to  
23 be done to keep pushing that ball forward.

24 So I wanted to thank the staff again and the  
25 Board, and really just express our gratitude for, you

1 know, everything you've done to help us put this plan  
2 together. I want to also just note that Mr. Corey and I  
3 have had a conversation, you know, about the emission  
4 reduction credit question that's come up.

5 I can tell you that we're committed to working  
6 with Richard and with the staff to take a look at any  
7 questions related to that program. And I just wanted to  
8 let the Board know that it's an ongoing conversation, and  
9 we're very interested in being a part of that, and seeing,  
10 you know, where we want to go with that.

11 So with that, I'm happy to answer any questions  
12 you may have as you continue deliberation on the plan and  
13 thank you very much.

14 CHAIR NICHOLS: Thanks for being here, and -- to  
15 support and add some detail to the plan and the process.  
16 If you will be able to stay here for the duration, we may  
17 want to call you back for some questions. But I think for  
18 now, we can just proceed to the people who have signed up  
19 to speak to us.

20 Thank you.

21 MR. SHEIKH: Thank you.

22 CHAIR NICHOLS: So we have a list of witnesses  
23 somewhere. Is it posted behind us?

24 Okay. People can see it. All right. So let's  
25 begin with Tom Frantz.

1 MR. FRANTZ: Hello. Tom Frantz from Kern County,  
2 Association of Irritated Residents and other groups that I  
3 work with here in the valley to promote cleaner air.

4 So yeah, I took the train this morning in dense  
5 fog from Wasco through Hanford and Corcoran up here. But  
6 it was a burn day down in Kern County. I just don't  
7 understand that. Even if the air is predicted to be  
8 moderate, we shouldn't allow burning, especially when  
9 there's any chance of that thick fog coming in like it was  
10 this morning, and that happens a lot.

11 I want to talk about only -- I want to talk about  
12 cows. I live in the same house where I was raised over 60  
13 years ago. But about in 2004, suddenly 60,000 cows became  
14 new neighbors of mine within a few miles of where I live.  
15 They weren't there before. And in Kern County as a whole,  
16 about three times that number invaded our space. And it's  
17 no surprise that the design value for PM2.5 in Kern County  
18 has not improved at all the last ten years. It's still  
19 where it was. Those cows have a lot to do with that. And  
20 the ammonia is a big part of that as well.

21 Ammonium nitrate and ammonium sulfate make up  
22 about two-thirds of our PM2.5 on the worst days in Kern  
23 County. That's in all the graphs. The fact that we're  
24 still not analyzing properly ways to reduce that ammonia,  
25 it's to -- unfortunate. I mean, the plan says we don't



1 know if it's feasible or not to reduce that ammonia.

2 Well, obviously, if they can make it, we can  
3 reduce it. And it's unfortunate that within CARB, you  
4 know, we have the AB 32 planning to reduce methane from  
5 dairies. And part of that is to do alternative manure  
6 management. Now -- but nobody looked at alternative  
7 manure management in terms of how much ammonia it reduces.

8 That should be emphasized in all this planning.  
9 And the air people and the greenhouse gas people need to  
10 work together more closely on things like that. If we  
11 don't get the NOx emissions needed in this plan, ammonia  
12 reductions could be very significant in a place like Kern  
13 County. And we need to be looking at that much more  
14 closely at ways to get it done. And at the earliest  
15 possible moment, if it looks like we don't have the  
16 funding to get all these NOx reductions, we need to have a  
17 contingency of strong ammonia regulation.

18 Thank you.

19 CHAIR NICHOLS: Thank you.

20 Thank you.

21 I won't call your names. If you'll just be ready  
22 to come up when your turn comes.

23 Thanks.

24 MS. CREMERS: Good morning. Noelle Cremers with  
25 the California Farm Bureau Federation. I want to start by

1 expressing my appreciation to staff both at the District  
2 level and CARB staff for reaching out to us and having an  
3 open line of communication as the SIP was developed.

4           There are significant measures included in this  
5 SIP for emission reduction. They will not be easy to  
6 achieve. Replacing 12,000 tractors by 2024 will take  
7 yeoman's work to get done, but that doesn't mean that  
8 we're not committed to trying to achieve that goal.

9 Having clean air in the valley is important to all of us,  
10 and this SIP we hope will help get us there.

11           We appreciate that there are incentives included.  
12 And that's the first focus in working towards reducing air  
13 pollution.

14           It -- we are committed to working to help obtain  
15 those incentives. We are concerned given that the  
16 Governor's budget only has 25 million to go towards ag  
17 equipment replacement, which is only a drop in the bucket  
18 to the estimated \$1.4 billion that replacing those  
19 tractors is going to take.

20           But we are committed to working -- to increase  
21 those funds. And we ask that the Air Resources Board and  
22 District - which I really appreciate Mr. Sheikh's similar  
23 request - that we all work together in achieving those  
24 funds, because we're not going to be successful without  
25 the necessary incentives.

1           Farm Bureau is committed to working and staying  
2 engaged as the other measures are developed. Obviously,  
3 the IC engine replacement, conservation management  
4 practices, and the heavy-duty vehicle inspection and  
5 maintenance program all have potential impacts on  
6 California agriculture. And we will work with staff and  
7 look forward to working with staff to implement all of the  
8 measures and make sure that it's done in a way that  
9 reduces the impacts to ag in the greatest possible way.

10           Thank you.

11           MR. ISOM: Good morning, Madam Chair, members of  
12 the Board. My name is Roger Isom. I'm with the  
13 California Cotton Ginners and Growers Association, and the  
14 Western Agricultural Processors Association. And I too  
15 want to welcome you to Fresno. Thank you for taking the  
16 time to come here and hear the concerns and comments.

17           Today, we're here to support this plan. As was  
18 stated, this is a very comprehensive plan. I don't want  
19 to understate that. This, in a lot of ways, is a culture  
20 change. There are significant measures in here. And as  
21 we stated back in October with the -- with regard to the  
22 mobile source part, this is a significant change, and we  
23 are committed to seeing this through.

24           With that said, I want to start by stating  
25 our apprecia -- or stating our appreciation to the CARB

1 staff and the Air District staff for working with us. One  
2 of the measures or a series of measures in there have to  
3 deal with conservation management practices. And as we  
4 did in the first round of agricultural practices, we are  
5 going to work with the universities, with CARB staff, and  
6 Air District staff to study those to determine the best  
7 measures that actually reduce PM2.5. And we've already  
8 started that process, so thank you very much on that.

9 I also too want to talk about the incentives.  
10 And quite frankly, the 25 million that's in the current  
11 proposed budget is not enough. If we want this to be  
12 successful, and we all do, we've got to get that  
13 increased. Already, in the first \$108 million that was  
14 there, the District received over \$250 million in  
15 requests. So the desire is there. When we talk about  
16 electric ATVs, one that we've never touched before, where  
17 we have farms wanting to convert to electric ATVs, in six  
18 weeks, the first six weeks of the program, the District  
19 has issued over 279 vouchers.

20 Its -- we knew the desire was there. This  
21 created the opportunity, and it's -- farmers are taking  
22 advantage of it. The fact of the matter is, is that now  
23 six weeks ago, they weren't selling electric ATVs. Today,  
24 there's a backlog at every electric ATV dealer in the  
25 valley. They're actually having to go out of state to try

1 to find electric ATVs. So it's an incredible sign.

2 The last comment I want to make is with regards  
3 to alternatives to ag burning. This is probably the  
4 one -- one of the more challenging ones. As we shut down  
5 biomass plants, what do we do with this agricultural  
6 waste? We have -- our own organization has nine projects  
7 right now trying to find solutions. I'm happy to report  
8 that one of them, which would build one of the largest  
9 cellulosic ethanol plants would be in Madera County here  
10 in the valley just north of here. It actually received  
11 their first \$5 million grant from the Energy Commission  
12 this week.

13 And so we are well on our way to doing that.  
14 That plant alone would handle 330,000 tons of agricultural  
15 byproduct per year. So it's a significant step in the  
16 right direction, but we have a very long way to go. And  
17 we just want to restate our commitment to seeing this  
18 thing through and ask that you guys support this plan  
19 today and support the request to keep those incentives  
20 where they were.

21 Thank you.

22 CHAIR NICHOLS: Thank you.

23 DR. GAROUPA WHITE: Good morning. My name is Dr.  
24 Catherine Garoupa White. And I'm the coordinator for  
25 Californians Against Fracking and Dangerous Drilling.

1 Thank you for coming to Fresno -- although, technically  
2 I'm from Madera -- and to all of the stakeholders who put  
3 in so much time to the PM2.5 plan.

4           While generally we support this plan, we do  
5 believe that regulations and oversight related to the oil  
6 and gas industry can go further. So today, I'm going to  
7 focus my comments specifically on the request for the  
8 emission reduction credit audit, knowing that you've  
9 received great detail, and I only have three minutes to  
10 cover a lot.

11           Many of you were probably aware that 75 percent  
12 of the state's oil extraction happens in Kern County and  
13 that we are one of the leading oil producing states in the  
14 nation. So when I started my work, of course, was very  
15 concerned about air quality and environmental justice  
16 issues in Kern County related to oil and gas emissions.  
17 And the emission reduction credit banks immediately came  
18 to the fore as a lingering concern that has been in  
19 existence for decades.

20           The lion's share of these credits are owned by  
21 the oil and gas industry, so unfortunately it's not  
22 surprising to us that by the ARB's own inventory,  
23 emissions from this sector continue to go up despite  
24 increasing regulations.

25           So in August 2017, a broad based coalition of

1 environmental health and justice organizations submitted a  
2 letter to your board requesting an audit of the ERC banks.  
3 And the response that we got was that we needed to provide  
4 further information and documentation of what our concerns  
5 were. The result of which was the undeserved credit  
6 report that you all received with the January 9th letter  
7 that we submitted again requesting the audit of the ERC  
8 banks.

9 Two primary concerns that were documented and  
10 validated in this report is that many of these credits  
11 appear to be invalid when they were originally issued.  
12 There's substantial documentation showing that the San  
13 Joaquin Valley Air District who manages these banks at  
14 times went against the recommendations of their own staff  
15 in originally issuing some of these credits.

16 The second concern is that the San Joaquin Valley  
17 Air District enjoys a special arrangement for what's  
18 called equivalency demonstration, which means that old  
19 credits stay in the bank, and we are unable to discern how  
20 equivalency is calculated. So this piece is unknown to us  
21 and why we're asking for the technical expertise of the  
22 Air Resources Board.

23 Our initial assessment has shown approximately a  
24 third of the ERCs in the VOC bank and half of the credits  
25 in the carbon dioxide equivalent bank may be invalid. And

1 so we think that further review of these certificates  
2 would likely raise questions of their overall validity  
3 and, of course, of their -- if the credits are invalid,  
4 then the permits using them to meet their emission  
5 reductions would be in jeopardy.

6 So because of this long and well-documented  
7 history that is shrouded in unverifiable results, we're  
8 requesting ARB staff audit the ERC banks of the San  
9 Joaquin valley starting with NOx, VOCs, and CO2  
10 equivalents. Both VOCs and NOx are precursors to PM2.5,  
11 and thus important within the context of the plan, as well  
12 as more broadly to the attainment of air quality standards  
13 for the San Joaquin Valley and to reducing environmental  
14 injustices, such as the disproportionate burden these  
15 emissions are placing in Kern County.

16 Thank you.

17 CHAIR NICHOLS: Thank you.

18 MR. ROSE: Good morning. Mark Rose, Sierra  
19 Nevada field representative for National Parks  
20 Conservation Association. I also live and work here in  
21 Fresno.

22 I want to thank the CARB Board for this  
23 opportunity to comment and for coming down here to Fresno.  
24 I hope you guys come here more often. I also want to  
25 thank CARB staff and District staff for all their hard



1 work on this plan over the last few years.

2           Although the deadline for this plan was over two  
3 years ago, we are extremely happy to see that the plan has  
4 grown stronger and that we finally made it to a vote.

5           That being said, we at NPCA are seriously  
6 concerned that what we have in front of us today is less  
7 of a complete plan and more -- as required under the Clean  
8 Air Act and more of a IOU to valley residents that leaves  
9 numerous sources of particulate pollution off the table.

10           It is clear that both CARB's mobile source plan  
11 and the District's stationary source plan rely  
12 unrealistically on the premise that everything in the plan  
13 will go -- go just right to allow the valley to reach  
14 attainment with all four of these PM2.5 health standards.

15           This includes an assumption of nearly full  
16 compliance with various regulations in the plan, as well  
17 as roughly \$5 billion worth of incentive funding, \$4  
18 billion of which has not been identified or secured.

19           EPA's own guidance states that voluntary  
20 incentive based strategies must be surplus, quantifiable,  
21 permanent, and enforceable. That standard seems out of  
22 reach in this case. Should this plan fail to secure  
23 billions in incentives or achieve reasonable progress  
24 towards attainment, we are told that CARB will commit to  
25 achieving aggregate emissions reductions with no other

1 specifics on what that means.

2           This kind of ambiguous black box planning is  
3 legally -- legally dubious and ignores the voices of  
4 valley residents who rely on CARB and the District to  
5 clean up air.

6           In the face of federal roll-backs for clean car  
7 standards, wood-burning devices, greenhouse gases, et  
8 cetera, we in the valley need a buffer to bridge the  
9 growing failures of clean air rules coming out of  
10 Washington. Further, in light of the recent proposal by  
11 the BLM's Bakersfield office to open up 1.6 million acres  
12 of nearby federal land to oil and gas extraction, we need  
13 guarantees that the valley will be protected from runaway  
14 pollution that might push attainment with plans like this  
15 out of reach.

16           This is why we need a plan that includes  
17 specific, concrete, and enforceable contingency measures,  
18 whether this comes from EPA during their review or from  
19 the District and CARB throughout implementation.

20           We also desperately need more resources put  
21 towards educating the public about existing rules and  
22 ensuring that those rules are properly enforced. We are  
23 happy to see that 90 percent of the reductions in CARB's  
24 portion of the plan will come from regulations. However,  
25 in order to reach attainment with PM2.5 standards by the

1 2024 and 2025 deadlines, this plan relies far too heavily  
2 on the ten percent of reductions that will come from  
3 billions in incentives, while simultaneously ignoring a  
4 variety of stationary sources.

5 I'll leave it to my co-worker Ulla and our allies  
6 to discuss what some of those solutions might be to  
7 improve the plan in the upcoming years. In the meantime,  
8 we look forward to working with both agencies and EPA to  
9 ensure that the plan is effectively and timely  
10 implemented.

11 Thank you very much.

12 MS. REEVES: Good morning. My name is Ulla  
13 Reeves. I'm also with National Parks Conservation  
14 Association. I am advocacy manager in the clean air  
15 program.

16 I'm originally from California, born and raised,  
17 but I don't live here anymore. And I treasure the  
18 opportunities when I get to visit like on this trip. On  
19 Tuesday, I was treated to stunning long range views of the  
20 snow capped Sierras, and of Sequoia and Kings Canyon  
21 National Park. I was reminded of this incredibly special  
22 natural resource literally right here in the backyard of  
23 the Central Valley. But sadly I know that that view was  
24 only available to me, because of recent rains and it's  
25 typically non-existent.

1           Those mountains and California's national parks  
2 are usually lost in the haze of air pollution that coats  
3 the valley. This is simultaneously harmful to our lungs,  
4 and it's also devastating for our special ecosystems in  
5 those natural -- national parks. So my comments today  
6 come from both a personal and a professional place.

7           As Mark mentioned, regarding the plan before CARB  
8 today, there are numerous solutions that should be  
9 detailed and implementation that don't require the tenuous  
10 reliance on incentive funding. Many of these are  
11 additional specific stationary source reduction measures,  
12 and we're concerned that they're not already here.

13           The absence of them spells weakness and  
14 potentially sets the stage for a failure to reach  
15 attainment of the PM2.5 standards. Specifically, while we  
16 appreciate the new pilot program to explore alternatives  
17 to agricultural burning, the cost of burning variance  
18 permits needs to increase, and other alternatives should  
19 be quickly identified and implemented as most stringent  
20 measures.

21           The fees that are required for prescribed burning  
22 on National Forest or National Park Service lands ought to  
23 be decreased or removed. All oil and gas operations, not  
24 just the major ones, ought to be required to reduce  
25 emissions, including flaring, boilers, steam generators,

1 and process heaters. We're also still concerned about the  
2 hot spot strategy as a whole. Despite good improvements  
3 here, we should move toward a single standard for wood  
4 stoves for the entire valley. And incentives for new wood  
5 stoves and charbroilers ought to be available valley wide.

6 The District needs to additionally regulate PM2.5  
7 from biomass facilities, and require the most up-to-date  
8 control technology on all of these facilities. Lastly, we  
9 remain deeply concerned about the role that ammonia  
10 emissions play as an extremely influential precursor to  
11 PM2.5 pollution.

12 I'm pleased to see that that's in the plan, but  
13 CARB and the District must continue to evaluate aggressive  
14 and feasible strategies to control ammonia from dairy  
15 farms and CAFOs.

16 Thank you for your time. I hope that through  
17 your diligence to boldly and courageously tackle the air  
18 pollution challenges in this region, I might some day  
19 return and see those stunning views of the Sierras and  
20 know that it wasn't a fluke or a rare occurrence.

21 Thank you.

22 MR. SUNDERGILL: Good morning. Ron Sundergill  
23 with National Parks Conservation Association, the Regional  
24 Director of NPCA.

25 When I was a child with my parents visiting

1 national parks, I really gained an appreciation for the  
2 beautiful vistas and landscapes of our national parks back  
3 in the fifties and sixties.

4 But fast forward to 2019, and most of those  
5 landscapes and vistas -- scenic vistas, especially the  
6 ones that are close by here, are pretty much gone. And  
7 that's from the impact of fine particulate matter and  
8 ozone on these parks. And that impact is pretty  
9 devastating, and it needs to be corrected.

10 So what are the impacts?

11 Okay. Well, there's the scenic views. We lose  
12 an average of 90 miles of scenic view at Sequoia Kings  
13 Canyon National Park, and we lose about close to 60 miles  
14 of views at Yosemite.

15 Another impact, of course, is health. When  
16 people come to these parks, they are exposed to extensive  
17 pollution. It's actually worse in Sequoia Kings Canyon  
18 and Yosemite often than Los Angeles. Worse than Los  
19 Angeles.

20 The effect on plants. They can -- the pollution  
21 can stifle the growth of plants. It interferes with the  
22 basics of photosynthesis and other basic functions that  
23 affect plants. And UC Merced researchers have found that  
24 these pollutants may, in fact, be contributing in a  
25 significant way to the die-off of the trees in the Sierra

1 Nevadas.

2           So when I go to Beetle Rock Overlook at Sequoia  
3 Kings Canyon, the last ten times I've been there, I  
4 haven't really seen much. That's an incredible view of  
5 the valley from Sequoia National Park. The last ten times  
6 it's been pretty bad over the last 15 years.

7           Twenty years from now when my grandson is 27, and  
8 I'm 85, I am looking forward to coming back to Sequoia and  
9 hopefully seeing that wonderful view. And so I urge you  
10 to be vigilant and do what you can to make even  
11 improvements on this plan.

12           And lastly, I wanted to let you know that we have  
13 submitted a petition and letters from about 2,000 people  
14 here in the region, and you have that. I gave that to  
15 staff.

16           CHAIR NICHOLS: We have that.

17           MR. SUNDERGILL: And thank you. Great. Thank  
18 you very much.

19           MS. YOUNG: Good morning. My name is Connie  
20 Young. I'm a Fresno resident, a retired registered nurse,  
21 and a volunteer with Citizens' Climate Lobby, also known  
22 as CCL. Thank you for coming back to Fresno.

23           I appreciate too all the time and effort that  
24 you, our valley air district board and staff, and our  
25 dedicated community air quality advocates, and other

1 stakeholders have put into this PM2.5 plan. It certainly  
2 will be an improvement. And for that, I am grateful.

3           However, according to the first law of holes, if  
4 you find yourself in a hole, stop digging. The world  
5 currently has found itself in a big hole. It's called  
6 climate change. What it looks like in our already  
7 polluted air basin is more dust from severe droughts,  
8 possibly more ozone from increasing heat waves, more  
9 pollen from a longer -- from longer warmer growing  
10 seasons, and more smoke from wildfires.

11           Since many of our air pollutants contribute to  
12 climate change, it's imperative that we take every  
13 opportunity to eliminate, or at least reduce, those  
14 pollutants.

15           The new PM2.5 plan will help. But given the  
16 urgency of climate change as described in the recent  
17 fourth National Climate Assessment, even more needs to be  
18 done. I ask that the Board take advantage of several  
19 opportunities for oversight.

20           First, review the valley's largest stationary  
21 sources of PM2.5 to find potential opportunities for  
22 emission reductions.

23           Second, audit the ERC banks in the San Joaquin  
24 Valley, and address any problems that may be uncovered.

25           Third, increase oversight and expedite a review



1 of the valley's agricultural burning program. Every  
2 effort must be made to find and implement alternatives to  
3 this polluting practice.

4 Finally, I would also like to briefly mention  
5 federal bipartisan legislation, which could have a  
6 significant positive impact on our air quality.

7 The Energy Innovation and Carbon Dividend Act was  
8 introduced in both the U.S. House and Senate late last  
9 year, and it will be reintroduced in this session of  
10 Congress. If enacted, it could reduce carbon emissions by  
11 40 percent in 12 years. This would considerably help to  
12 clean up our air, and save lives. I hope you all support  
13 it.

14 We're in a deep hole and we need to stop digging,  
15 or in our case, make every effort to reduce the greenhouse  
16 gas pollution that we're putting into the air that we  
17 breathe.

18 Thank you.

19 MR. RUSHING: Good morning. There we go.

20 Good morning. Rocky Rushnig with Coalition for  
21 Clean Air. I want to thank staff and especially the  
22 community advocates that have worked very hard on this  
23 plan. I thought it was worth mentioning what's at stake  
24 here. We're talking about the health of millions of  
25 valley residents. And here too many children rely on

1 inhalers, too many elderly residents are house-bound by  
2 air that's poisonous to them, and there are too many  
3 preventable deaths occurring.

4           And for those reasons, CCA supports the plan  
5 before you and urges its adoption, as it is a step  
6 forward. However, the underpinnings of the plan aren't as  
7 strong as we would like to see them. In particular, and  
8 as has been mentioned by other speakers, the Governor's  
9 budget, as proposed in January, casts a shadow over the  
10 strategy. On paper, the strategy is sound, but there is a  
11 big hole as others have mentioned. And that's the fact  
12 that four-fifths of the incentive dollars needed to -- for  
13 implementation have not been identified.

14           In particular, clean trucks, buses, and freight  
15 equipment would decline, according to the Governor's  
16 budget by an already inadequate 180 million to 132 million  
17 in the budget year. Ag and diesel would come down from  
18 132 million to 25 million. And staff has identified ag --  
19 equipment replacement as a key component of this plan.

20           And we know California's share of the Fiat  
21 settlement will not go far enough to plug these holes. It  
22 won't be adequate at all. Advocates like Coalition for  
23 Clean Air and others here in this room will be working  
24 with the legislature, will be advocating for more money.  
25 But I don't think a comprehensive strategy, as this has

1 been described by staff, should rely on the success of  
2 advocates under the dome.

3           Coalition for Clean Air wants to incorporate our  
4 comments with others regarding the ERC program here in the  
5 District, and we support a call for an audit of that  
6 program. And like others have mentioned, I think it's  
7 going to take a strong outreach, education awareness, and  
8 enforcement to ensure that wood burning and charbroiling  
9 come under control. And I think that's going to take work  
10 with valley organizations and individuals to develop a  
11 comprehensive strategy to make that happen.

12           I want to thank you for your time and attention  
13 and go Bull Dogs.

14           Thank you.

15           (Laughter.)

16           MS. MORROW: Thank you very much. Madam Chair  
17 and Board members, I am here today on behalf of Southern  
18 California Gas Company's thousands of customers and  
19 hundreds of our employees and their families who live and  
20 work in the San Joaquin Valley. I personally live and  
21 work here in Fresno.

22           SoCalGas has engaged in the development of this  
23 2. -- in the multiple 2.5 plans actually from the  
24 beginning and support its adoption. The plan shows that  
25 heavy heavy-duty diesel trucks contribute over 58 percent

1 of the NOx emissions from all on-road vehicles. Thus, we  
2 appreciate ARB's recognition that State action is needed  
3 to accelerate NOx reductions from this sector.

4 Compressed natural gas engines that are 90  
5 percent cleaner than the most stringent engine standards  
6 have been available since 2016 for heavy heavy-duty  
7 trucks. And when paired with renewable natural gas, which  
8 can have a deep carbon negative intensity, they provide  
9 not only significant NOx emission reductions, but  
10 reductions in greenhouse gas emissions as well.

11 As has been mentioned many times, last October  
12 this Board adopted the supplement for the San Joaquin  
13 Valley to the 2016 State Strategy. It included a State  
14 measure to provide funding to accelerate the turnover of  
15 33,000 trucks and buses beyond the rate of natural  
16 turnover achieved by implementation of other adopted  
17 measures, but Board action was only committed to in 2021.

18 To achieve the NOx reductions that ARB committed  
19 to for the San Joaquin Valley, ARB cannot wait to act.  
20 Even with a motivated and highly efficient local San  
21 Joaquin Valley Air District, it will be a huge challenge  
22 to orchestrate turnover of 33,000 trucks.

23 ARB needs to begin right away. And I actually  
24 saw some of this in the presentation and was incredibly  
25 pleased, so to secure the necessary billions in truck

1 incentive fundings, develop an -- so secure the funding,  
2 develop an alternative fuel infrastructure plan and ramp  
3 up truck fleet outreach.

4           It will also be important to closely monitor  
5 reductions from all accelerated turnover measures,  
6 including this and the tractors for example. In your  
7 adopted supplement for the State strategy, we want to see  
8 ARB fulfill its promises to the people in the San Joaquin  
9 Valley. And SoCalGas is ready to support staff and assist  
10 in planning, implementation, and outreach -- outreach to  
11 achieve success.

12           Thank you very much.

13           MR. MENZ: Good morning. My name is Thomas Menz.  
14 I'm a resident of Fresno County. I live about ten miles  
15 south and east of here in an area that your modelers  
16 showed would not reach attainment by the 2024 attainment  
17 deadline for the 24-hour fine particulate standard.

18           I don't believe that this plan does all that it  
19 can do with respect to residential wood burning. And I  
20 don't believe it fulfills the statutory requirements with  
21 respect to most stringent measures. My next door  
22 neighborhood has an old uncertified wood stove from the  
23 early seventies that's very dirty. It produces a massive  
24 amount of disgusting smoke. So whenever the Air District  
25 says, hey, the air is no longer bad, everybody can go

1 ahead and burn, I go from bad to worse.

2           So, you know, I never get a break. That's the  
3 way the rules are designed. And I seldom have a day of  
4 cold months where I'm not inundated with smoke.

5           So I'm aware that were I living under the  
6 protections of Santa Rosa, California, I wouldn't face  
7 that additional assault on my health, because that  
8 category of residential wood-burning heater is forbidden.  
9 It can't be used ever. And if I were living in the  
10 Tacoma-Pierce County Smoke Reduction Area, again, I  
11 wouldn't have that smoke pervading my garden, and  
12 infiltrating my home, because the protections provided by  
13 the implementation plan of the State of Washington, which  
14 forbids that source category of residential wood-burning  
15 heater, you can't even have one in your home there.

16           So when I read in your staff report that this  
17 implementation plan applies the most stringent measures  
18 that have been implemented or achieved in practice for any  
19 source or source category anywhere else in the United  
20 States, that is not the case. That's a fiction.

21           This valley air district has estimated that there  
22 are 26,000 of these dirty devices. So multiply that out.  
23 Thirty grams an hour, times 26,000, times four hour of an  
24 average fire, and that's over three and a half tons of  
25 emissions per hour potentially from this source category,

1 which other areas have banned outright.

2 Now, this plan curtails their use only at -- for  
3 a portion of the year, at 12 or 20 micrograms per cubic  
4 meter, depending on the county. So the extra 25 days of  
5 the year of protection that this plan affords is an  
6 improvement, but it doesn't meet what other places are  
7 doing.

8 And that isn't the only source category to which  
9 this plan applies more lenient measures compared to what  
10 other districts are doing. So the Clean Air Act requires  
11 of this plan the most stringent measures that have been  
12 implemented or achieved in practice for any source or  
13 source category anywhere in the United States. This plan  
14 does not do that. It falls short.

15 And I believe that the Clean Air Act does give  
16 you the tools that are necessary to achieve those  
17 reductions and achieve attainment.

18 Thank you.

19 CHAIR NICHOLS: Thank you.

20 MS. MARTINEZ: Good morning. My name is Nayamin  
21 Martinez. I am the director of the Central California  
22 Environmental Justice Network, better known as CCEJN.

23 For almost two decades, we have been working with  
24 residents from disadvantaged communities across the San  
25 Joaquin Valley. These residents unfortunately were not

1 able to come today, because they are, you know, harvesting  
2 our fields as we speak, or doing whatever job they do.

3           However, I am here to be their voice, because  
4 when we shared this plan with them, the main concern they  
5 had is what is going to happen if the \$5 billion that are  
6 required for this plan to give all the incentives that are  
7 needed don't -- cannot be found.

8           And these residents might not have an  
9 environmental science degree, but they are smart enough to  
10 understand that if you rely on money that is hypothetical,  
11 you are in trouble. So their question is what is going to  
12 be plan B? What is going to happen if this money doesn't  
13 come through? And I wish I could have a response from all  
14 of you, from the CARB, from the Air District, so I can  
15 take back to these residents and share with them.

16           I also have some concrete recommendations that  
17 definitely go beyond hoping that we are going to get those  
18 five billion. I want you to take seriously your role as  
19 public health entities. You are mandated to protect my  
20 health and the health of everybody else in California.  
21 And there's some ways very specific that you can do that.  
22 For one, what is going to happen in the meantime -- in  
23 these five or ten years that it is going to take to clean  
24 our air?

25           We need to start protecting people that are



1 already out there working in the fields, doing  
2 landscaping, or working in construction. All days where  
3 we have high levels of PM2.5, how are we telling them to  
4 protect their health? That's an easy fix. We need  
5 robust, comprehensive educational campaigns, both at the  
6 State and the regional level that let residents know how  
7 to protect their health.

8           Second, we need to change behaviors. And having  
9 a billboard that says Check Before You Burn, but don't  
10 explain why your personal choice is affecting public  
11 health is not going to cut it. So we need that you and  
12 the Air District work together with public health experts  
13 to come up with campaigns that educate and change  
14 behaviors of these people that are burning their  
15 fireplaces just for because it's cozy, because that was  
16 part of their family traditions in Christmas or the  
17 wintertime.

18           So those things are very easy to do, even if you  
19 don't get the five billion. But I would really want to  
20 have an answer of what is going to happen if we don't get  
21 those five billion?

22           Thank you.

23           MR. POWELL: Hello. Good morning. Thank you  
24 being here and thank you for having me. I'm Daylon  
25 Powell. I'm here with CART from Environmental Science

1 Lab. And I go to Bullard High School as well. I'm  
2 concerned about the air quality, because my family's  
3 health and my personal health.

4 This semester, I'm collaborating with Nayamin  
5 Martinez who works with the Central California  
6 Environmental Justice Network. And I believe PM2.5 should  
7 be reduced in communities ASAP.

8 I'm concerned about the air quality, because I  
9 have friends at my home school who are student athletes,  
10 that have their practices canceled because of the terrible  
11 air quality. I know some studies like the Children's Air  
12 Pollution Study have found that the lungs of children and  
13 youth like me, who are born and raised in places with high  
14 PM2.5 don't develop equally to others who live in the  
15 areas with clean air. I deserve to grow healthy and so do  
16 my peers around me in the community.

17 Thank you.

18 (Applause.)

19 MS. CALDERWOOD: Good morning. My name is  
20 Katherine Calderwood, and I'm a teacher at CART, Center  
21 for Advanced Research and Technology in the Environmental  
22 Lab. And I appreciate the opportunity to be here with  
23 some of my students, where they can learn about air  
24 quality and their community around them.

25 They're learning about -- well, as a teacher, my

1 students are always learning about how it's important.  
2 It's necessary to work together. And at CART, we have  
3 students from Clovis and Fresno Unified from schools from  
4 both districts, from all different walks of life who are  
5 working together to complete projects.

6 They have this wonderful understanding that it is  
7 necessary to work together, and that your individual  
8 choices impact those around you, and we need the  
9 participation of every single person to make things  
10 happen.

11 For years, the Central Valley, San Joaquin Valley  
12 has tried, and we've failed to meet standards. I was born  
13 and raised here in Fresno. I didn't develop asthma until  
14 I came back from college. But pretty much all of my  
15 friends, my family have asthma, my husband.

16 And I grew up out in the country. Those of you  
17 who are from the Central Valley, if you go out 180 going  
18 to Kings Canyon and Sequoia National Park, I grew up right  
19 in front of Jesse Morrow Mountain. And there were times  
20 that we couldn't see the hills from Centerville, which is  
21 like two miles away, because of the air quality in Fresno.

22 And honestly, we have a lot of things that work  
23 against us environmentally speaking. We are a basin, and  
24 so we collect wonderful pollutants from everywhere. And  
25 it just hovers in here and makes things horrible. So it

1 makes it imperative for all of us to be cognizant and --  
2 of our own choices and be able -- have to be able to work  
3 together, businesses, individuals.

4           And I come from a farming family. And I have to  
5 say I appreciate that this initiative takes into account  
6 that we need incentives for our farmers to be able to  
7 trade in older equipment to be better prepared and to work  
8 for a more sustainable and cleaner practice.

9           I will say I'm grateful that my students have the  
10 opportunity to learn more about their hometown, and how  
11 impactful particulate matter is in their lives and the  
12 people around them. I'm also grateful they have the  
13 opportunity to understand that sustainability and clean  
14 air is difficult, and it's complicated. It's a complex  
15 matter that involves participation on all sides. And it  
16 comes with sacrifices and consequences for everyone, for  
17 the community at large, but also for our future.

18           Thank you so much for this opportunity.

19           (Applause.)

20           CHAIR NICHOLS: Thank you. Thanks for being  
21 here.

22           Yes.

23           BOARD MEMBER BALMES: I just wanted to thank both  
24 the student and teacher from CART for being here today. I  
25 have been doing research in the Fresno area for actually

1 almost 20 years, and we've had the opportunity to work  
2 with CART students and provide projects for them to work  
3 on. And it's just really been -- it's a great program,  
4 and I appreciate you being here.

5 CHAIR NICHOLS: Thank you.

6 MR. CUNHA: Good morning, Madam Chair and Board  
7 Members. Manuel Cunha, President of the Nisei Farmers  
8 League, the NFL. If I had the NFL money, we would have  
9 all the problems solved. We can take all of the  
10 cap-and-trade money and we can just take it from the NFL.

11 But again, I want to thank Richard Corey, Kurt  
12 Karperos, Lucina and her entire staff and everybody that  
13 have worked with us since 2008, when we first started  
14 doing the farm equipment program. And I also want to  
15 thank Jared Blumenfeld who was the first EPA regional  
16 administrator that actually crushed a tractor on the  
17 tractor trade-up, Madam Chair, and supported it 100  
18 percent.

19 And that's where we are today in our third phase  
20 of the farm equipment program through FARMER. But Michael  
21 we want to thank you and your entire staff for working  
22 with us and believing us and Lucina and everybody,  
23 especially the two ladies that I've called the crushing  
24 ladies is Michelle and Erin both got on the big tractor  
25 and crushed the tractors a couple months ago, and did a

1 better job than anybody of any -- the men that were  
2 there -- seem to outperform these two ladies. So the two  
3 crushing ladies, I want to thank them for their work.

4 (Laughter.)

5 MR. CUNHA: But Madam Chair, this plan has a very  
6 important part of it. And that is it's had two years of  
7 tremendous amount of workshops. As the Chair of the CAC,  
8 citizens advisory, to the San Joaquin Valley Board, we had  
9 over 12 workshops at night, daytime, and whatever. So we  
10 did reach out to all parties.

11 This plan is important for us to get approved  
12 today and move forward to EPA. But it also is based on  
13 incentives. The farm equipment program through FARMER is  
14 crucial. The 25 million in the Governor's plan we  
15 definitely need to sit down with him and educate him. But  
16 I know that Jared Blumenfeld understands the importance of  
17 the farm equipment program.

18 Secondly, if the Parks and the Forest Service  
19 would pay attention to their own problems in cleaning up  
20 and maintaining the forest, we wouldn't have a 108 people  
21 that died in the Camp Fire in the Paradise Fire, as well  
22 as the Napa Fire. So maybe worrying about my farmers  
23 burning, we're doing a tremendous job on the ag burn  
24 program and all that.

25 Maybe they should worry about cleaning up and

1 maintaining their own parks and forests, so we don't have  
2 the amount of smoke for four or five months that  
3 devastated. All the cleaning we've done went out the door  
4 because of that.

5           So again, I want to thank all of you, Madam  
6 Chair, especially you believing in our incentive programs.  
7 The farm equipment, you were the first one. If you  
8 remember in 1997 under President Clinton, under the  
9 President -- the Secretary of EPA at that time, you  
10 believed in us, and you helped put that program to start.  
11 And I want to thank you for that effort in believing in  
12 farmers, and agriculture being ahead of everybody.

13           But NRCS is the USDA just put 25 million into the  
14 valley for California for air equipment for farm equipment  
15 replacement. Again, like Roger said, ATVs, thank you all.  
16 I hope you go forward with this. But all of the staff at  
17 ARB have been great. And especially Richard Corey who's  
18 really stuck out his -- and has worked closely with us to  
19 understand the farming.

20           Thank you.

21           CHAIR NICHOLS: Thank you very much. We always  
22 give extra time to people who say nice things about our,  
23 staff, so...

24           (Laughter.)

25           CHAIR NICHOLS: That was good.

1           Okay. Mr. Aguirre

2           MR. AGUIRRE: Hello. Good morning -- or good  
3 afternoon, everyone. My name is Gustavo Aguirre, Jr. I'm  
4 with Central California Environmental Justice Network.  
5 And I traveled here today from Kern County. Some of the  
6 communities that I work in in -- are in Arvin, Lamont,  
7 Weedpath, Bakersfield, East Bakersfield, Shafter, Delano,  
8 Lost Hills, et cetera.

9           So they're very rural communities in the San  
10 Joaquin Valley, mostly in Kern County that are at the  
11 forefront and the front line of this exploration of, you  
12 know, new tech, and monitoring equipment, and emission  
13 reduction controls, right?

14           But they're also at the very forefront of where  
15 all the pollution is generated. Here today, we have the  
16 California Air Resources Board and we have the San Joaquin  
17 Valley Air Pollution Control District that has coined, you  
18 know, the term no stone left unturned, right?

19           And there is lots of stones that are unturned.  
20 And there is a lot that we could do. There is a lot of  
21 flaws in this plan that need to be addressed, especially  
22 in Kern County, especially in these communities that we --  
23 that -- you know, that I'm echoing concerns for.

24           You know, we -- I heard I believe the Director of  
25 the Valley Air District today say that there was no burn.



1 Actually, when I was driving down Pixley there was three  
2 burns, but because I was driving, I couldn't report it.

3 So I mean, there -- in our communities, in oil  
4 and gas communities, there's this thing called oil and gas  
5 operators. And oftentimes in these communities that I  
6 mentioned, they're small producers. And these small  
7 producers are often times exempt from the vast majority  
8 of, you know, the big producers emission reduction  
9 controls.

10 So there is a lot that needs to be done in these  
11 communities. In the community of Arvin, which I was just  
12 in a couple of days ago, our -- during -- you know, after  
13 storms there is just the most beautiful views of the  
14 southern tip of the Sierra Nevadas. Oftentimes, you are  
15 not able to see those mountains being at the foothills of  
16 those mountains at the southern tip of the Sierra Nevada.

17 And so in this plan, there is a lot of flaws that  
18 need to be addressed. There is emission reduction credit  
19 banks that need to be audited. You know, there is a lot  
20 of concerns around, you know, one of the talking points  
21 of, you know, 50 percent of our NOx and PM emissions come  
22 from mobile sources.

23 Well, guess what, the mobile sources use  
24 petrochemicals. And the petrochemicals, guess what, are  
25 explored, and refined, and transported in our communities.

1 And so in this plan, we -- I am echoing the concerns of a  
2 lot of these residents that we've spoke with since the  
3 beginning of this -- of the development. We wrote a  
4 letter. You guys should have a copy of this letter. If  
5 not, we could resend it. But a lot of our communities are  
6 tired. They're participating in a lot of these, you know,  
7 steering committees, and -- I mean and they're exhausted.  
8 They're tired. They see no future in participating in  
9 this.

10           There has been a very large investment from  
11 California State to do, you know, environmental justice  
12 approaches, and collection in these rural communities.  
13 But these rural communities, I'll invite you to them any  
14 day that you guys want. The frustration of them time  
15 after time doing comments, doing public comments, doing  
16 letters and being ignored, I mean, something has to  
17 change, right? And we're hoping that maybe this is a  
18 vehicle that could help that change.

19           Thank you.

20           CHAIR NICHOLS: Thank you.

21           MS. ESTELA(through interpreter): Hello. Good  
22 morning to everyone. My name is Estela. I live in  
23 Fresno.

24           I'm worried about the contamination that is here,  
25 because I have a son who has asthma, and he constantly has

1 to use two inhalers. He has to use one that is to be used  
2 daily, and he also has to use one on emergency basis when  
3 the contamination is very dense. So I'm worried because  
4 my son is sick with asthma. And not just because my son  
5 is sick with asthma, it's just that there are other kids  
6 who also have asthma.

7 Not only do I worry about the kids, but also the  
8 people that are of advanced age. I'm also worried because  
9 the communities that are disadvantaged are the ones that  
10 are mostly affected. These are the people who live around  
11 the industrial areas or the fields, also around the  
12 dairies.

13 I'm asking that these regulations become more  
14 strict. Okay. I also am requesting that the wood not be  
15 burned in the fields. I would request that it be blended,  
16 mixed, taken apart some other way, and that we may  
17 continue planting more trees.

18 Thank you very much.

19 CHAIR NICHOLS: Thank you.

20 (Applause.)

21 MR. HAMILTON: Good morning, Madam Chair, members  
22 of the Board and welcome to Fresno. My name is Kevin  
23 Hamilton. I'm the Executive Director for Central  
24 California Asthma Collaborative. Central California  
25 Asthma Collaborative supports this plan being passed today

1 with some concerns. We have some suggestions for the  
2 future, because I think the future is the issue here. The  
3 plan is going to pass today. We understand that, and we  
4 welcome that. It's an opportunity to move this forward,  
5 this great work that we're trying to do to clean the air  
6 here in the San Joaquin Valley.

7           However, I believe that it's going to require all  
8 hands on deck. We're going to need the Air District and  
9 the Air Resources Board to watch this plan very closely as  
10 it advances. We'd like to see ARB set up a panel or a  
11 subcommittee that could include folks from the Air Board  
12 and community members, and advocates who would meet  
13 regularly to review the progress on this plan, and ensure  
14 that it is indeed moving forward smartly.

15           I would recommend to my friends here at the Air  
16 District that they re-establish their public advisory work  
17 group. And have that work group also advise the plan and  
18 monitor plan progress moving forward, and act as a -- as a  
19 table where everybody can meet and talk as we move along,  
20 and determine what are the barriers to moving forward and  
21 how we'll overcome them.

22           I think the major part of this work is ahead of  
23 us. We -- some of us who have been working on this plan  
24 for almost two years now at various levels, including  
25 being part of that work group and part of other work

1 groups we might say, oh, you know, we've done all this  
2 really great work. Well, we've actually done the easy  
3 stuff. We got a plan.

4           Now, the really hard work of building the rules  
5 that create the bones and the body of this plan begins.  
6 And so there's where the energy really has to be put from  
7 this day forward. We're very concerned about things like  
8 these emission reduction credits that have been hanging  
9 around, in some cases it appears for 40, 50 years or more  
10 that are still being used to justify, and is a mitigation  
11 tool for emissions from some sources.

12           We're very concerned that it seems to be cheaper  
13 to open burn your pile of almond cuttings than it does to  
14 use other strategies that don't pollute our air at the  
15 same time. We have to look at that.

16           Underneath all of it is the health of our  
17 community. So we are indeed seeing rates of asthma rise  
18 in the San Joaquin. And we have -- we first tagged this  
19 back at the turn of the century. And it was worrisome  
20 then, but we thought it might be just an anomaly. But  
21 it's growing, and it's growing at a rate that's not really  
22 comfortable. And it's most evident in our children, but  
23 we're also seeing it in adult patients.

24           Now, is it the air pollution, is it a combination  
25 of other things? We don't know, but we know the air

1 pollution is a factor. And in our world, we have to work  
2 on the things we know, and see if we can reduce those so  
3 we can uncover maybe something else, but we know that's  
4 real.

5           So for our communities, for our health of our  
6 communities, we understand the economics of this, and  
7 we're worried about that as well. But we're primarily  
8 concerned that we have healthy people in the San Joaquin  
9 Valley and it's a great place to live. So thank you very  
10 much for your time.

11           CHAIR NICHOLS: Thanks for your testimony.

12           MR. MARTINEZ: Good morning, Madam Chair and all  
13 the members. My name is Lupe Martinez. I come from Kern  
14 County, and certainly I want to talk a little bit about  
15 oil and gas.

16           And I can give you statistics, give you all of  
17 the numbers and so on, but I want to talk about health  
18 instead. And actually, I had all kinds of pages written,  
19 but I'm not going to talk out of that.

20           I think when we talk about oil and gas and being  
21 the largest stationary resources of direct PM2.5, and NOx  
22 in the San Joaquin valley. It puts, as was mentioned by  
23 Mr. Aguirre a few moments ago, of the impacts in our  
24 communities that suffer as a result of these pollution  
25 contaminations.

1           As Ms. Estela was mentioning right now, that's  
2 our biggest concern is our children. I'm at a disbelief  
3 that when a child is born, they're already talking about  
4 perhaps asthma. How is that possible? Or a child who is  
5 six months, how is that possible?

6           How do we -- how do we deal with these things?  
7 It's impacting our children, our elderly. I'm there in  
8 age. And not as strong in my lungs as I would like to,  
9 but certainly has a huge impact.

10           So this plan, and knowing that oil and gas are  
11 the largest polluters in this instance, and to see so many  
12 wells next to sensitive areas, next to apartments. For  
13 example, in Arvin, there's -- there's wells that are next  
14 to a kidney dialysis, to different places where people are  
15 probably even more impacted.

16           How do we make sure that that doesn't happen any  
17 more? How do we make sure that this plan is aggressive,  
18 it is radical, so that we can make the changes? And that,  
19 at some point, this Board is going to leave a legacy of  
20 having cleaned up our air. I think that's the biggest  
21 thing.

22           What I would not like to see is further wells,  
23 for example in Bakersfield, where they're next to the  
24 restaurant. But you can't really tell, because they're  
25 somehow disguised. They either have paintings of a palm,

1 et cetera, et cetera, et cetera.

2 I'm hoping that this plan does not have the same  
3 disguises as how they tried to sell it to us in the  
4 valley.

5 Thank you.

6 SAN JOAQUIN COUNTY SUPERVISOR PATTI: Good  
7 morning, Director and Board members. My name is Tom  
8 Patti. I have the distinct honor of being an elected  
9 official from San Joaquin County. I am a County  
10 Supervisor, District 3. District 3 happens to be largely  
11 encompassed by farmland. And for those of you that might  
12 be somewhat unfamiliar with San Joaquin, Stockton is our  
13 big city. But San Joaquin County is known to have the  
14 most productive farmland in the history of the world. So  
15 we're very proud of that -- that industry and very  
16 dependent upon it.

17 I've talked to a lot of my constituents that are  
18 out in the farm lands, and they have challenges just to  
19 stay in business. So I'm not a scientist in any capacity,  
20 but I do know that for every action, there is an equal and  
21 sometimes perhaps unintended consequence or reaction.

22 So while there's issues that are going to be  
23 imposed and restrictions and new mandates, the only guilt  
24 that some of these farmers have is that they're in  
25 business as farmers. And as we all know, groceries are



1 not grown in grocery stores. They come from the farm.

2           So if you guys are going to put in some mandates  
3 on them, while they're also getting labor demands for  
4 higher wages that are going up, that's happening.

5 Unquestionably, it's imposed on them. You've got water  
6 that's now being deferred away from them. So there's  
7 going to be challenges for water. You've got pesticide  
8 mandates that are imposed on them and regulations. You've  
9 got a fluctuating market that can change with weather and  
10 factors of market rate for commodities that they're going  
11 to grow.

12           Some of -- farmers are some of the greatest risk  
13 takers that exist in business today. So if you're going  
14 to impose any new mandates on them, and I understand where  
15 this is going, make sure that you have something that can  
16 help offset those incentive packages that soften the blow.  
17 You have second and third generation farmers that  
18 they're -- their next generation are not going to the  
19 farms. You have farmland going -- that is going fallow,  
20 because it's not worth the risk, and there's people that  
21 don't want to assume that risk to buy that land, try to  
22 reap a harvest that's going to yield, payoff the debt to  
23 the banks and everything that it takes to stay in  
24 business.

25           So I would encourage you -- and I'm going to

1 speak next on the crane initiative, but I want to talk  
2 about that.

3           Lastly, as for CARB, I would encourage you get  
4 involved. If you want clean air for the state of  
5 California, for the world globally -- global warming and  
6 all these issues that are of great and paramount concern,  
7 get involved with forest management. There's so much  
8 regulations and restrictions. Once upon a time, we had  
9 over 120 logging companies. Now, we have 20. What used  
10 to be 400 trees per acre properly managed is now thousands  
11 of trees per acre. It's overgrown. You see bark beetles  
12 used to average two to three million trees a year. Last  
13 year, it was 129 million dead trees. And forest  
14 management prevents them from even harvesting out the  
15 trees that are dead by beetle -- by the beetles to get  
16 them out of the forest, where they become tinder and  
17 fires.

18           So you guys have a monumental task, and how you  
19 manage all of these things. Being as a supervisor, I sit  
20 on multiple communities, where there's a shortage of  
21 funding in every aspect. I understand it. But I just  
22 want to engage in some of those important issues as it  
23 relates to my district and our country. Thank you.

24           MS. GALE: Good morning, Board. Thank you for  
25 coming to Fresno. My name is Genevieve Gale. I'm the

1 Acting Director of the Central Valley Air Quality  
2 Coalition. I'm also an outdoor person. You'll find me in  
3 the mountains often. And every time I'm up there, I turn  
4 around and I look back at the valley, and I see the soup  
5 that I live in. And I think every day I have to wake up  
6 and go to bed in that soup. And there a four million  
7 people, some of which much more vulnerable to pollution  
8 than I, have to do the same day-in and day-out.

9           And I get angry. I do. And I have to get back  
10 in my car and drive back into that soup to go to bed. So  
11 a couple years ago, I quit my job and I started  
12 volunteering at CVAQ. And I was a volunteer when I asked  
13 this Board to deny the plan the first time around. And  
14 I'm still thankful for your action.

15           This new plan represents a significant --  
16 significant improvement. I believe your staff outlined  
17 the improvements really well. And I'd also like to thank  
18 Samir for his leadership. I think it represents a new  
19 found commitment to making this plan work.

20           However, success relies on a range of  
21 uncontrollable variables. For instance, we need to come  
22 up with \$4 billion. That's a massive gap in funding. And  
23 we rely on that funding to speed up attainment by the  
24 deadlines required. So CVAQ's ask today is to approve the  
25 plan. I don't think anyone here could stomach the

1 alternative.

2 But I do ask your Board to exercise more  
3 oversight. Start looking for a plan B now, so we are  
4 prepared to act when the other shoe drops.

5 I passed out a handout today that outlines a few  
6 emission reduction opportunities that focuses on the  
7 largest sources of pollution left unaddressed in this  
8 plan. One opportunity is to examine the agricultural  
9 burning program here in the -- here in the valley. This  
10 agency gives the valley air district exemptions to the law  
11 governing the phase-out of agricultural burning. And that  
12 exemption process could be brought before your Board for  
13 discussion and approval, and we could expedite that  
14 review.

15 We could also review the largest stationary  
16 sources of direct PM2.5. Just four oil and gas  
17 corporations create more PM2.5 -- direct PM2.5 than all  
18 passenger and light- and medium-duty trucks combined.  
19 Chevron alone emits more than all locomotives and airplane  
20 direct PM2.5 emissions combined. And nothing in this plan  
21 addresses direct PM from oil and gas. So what  
22 opportunities lurk there?

23 I'll end by saying, yes, please approve this  
24 plan, but please also start the work necessary to ensure  
25 that all opportunities for success are being faithfully

1 pursued.

2 Thank you.

3 CHAIR NICHOLS: Thank you.

4 MR. BOHIGIAN: Good morning. My name is Ron  
5 Bohigian. I'm a life-long resident of Fresno. I strongly  
6 support aggressive measures to control PM2.5 and NOx in  
7 the valley. And as a citizen, or as citizens, we really  
8 rely on your staff expertise, technological knowledge.  
9 But it's important for you to hear our opinions, and I  
10 appreciate the opportunity to share these opinions.

11 My wife and I just a few years ago converted our  
12 wood-burning fireplace using your incentives. And that's  
13 worked out really well. We love burning that natural gas,  
14 and we plan on buying our second electric car within the  
15 next few months. Well, actually, it's the second one.  
16 The first one got broadsided by a Chevy Tahoe.

17 (Laughter.)

18 MR. BOHIGIAN: Fortunate for my wife, the airbags  
19 worked really well.

20 A number of our friends have left the valley over  
21 the past several years. And as a life-long resident, I've  
22 got -- a life-long resident of Fresno, I've got to say the  
23 only thing that would cause me to leave Fresno would be  
24 issues of air quality. I don't know why I don't have  
25 asthma. I sound like I do. But I don't know why I don't.

1 But a lot of people obviously this is a serious problem  
2 for.

3 I'm not telling you anything you don't know  
4 already. So I encourage you to really move ahead  
5 aggressively. And it sounds like even more work needs to  
6 be done down in Kern County in that area with the fracking  
7 and all that's going on down there.

8 And one of the things, we're fortunate to have a  
9 cabin up in the mountains. So my takeaway from today is  
10 that last year I burned slash from the trees that I was  
11 cutting down, the dead trees. This year, I'm going to  
12 rent a shredder and I'm going to shred those trees.

13 So thank you for the opportunity.

14 CHAIR NICHOLS: Good for you.

15 Thank you.

16 MS. STATHAM: I'm told that Sam Molina had to  
17 return to work, so I'm the next one. I don't know if you  
18 want to call to see if he's here.

19 CHAIR NICHOLS: Excuse me, I'm sorry. Who are  
20 you?

21 MS. STATHAM: I am number 24, Clare Statham. I a  
22 was told that Sam Molina had to leave.

23 CHAIR NICHOLS: Oh, he submitted written  
24 testimony. Yeah. Thank you. I'm sorry.

25 MS. STATHAM: Good morning.

1 CHAIR NICHOLS: Good morning.

2 MS. STATHAM: My name is Clare Statham. I speak  
3 today as a private citizen. In the past, I have addressed  
4 our local board about the necessity of banning residential  
5 wood burning. The 2.5 PM proposal presented to you today  
6 adopts a fairly mild, but politically palatable approach  
7 to residential wood burning. The decision has been made  
8 that the public will not support a ban at this time.

9 So today, I would like to address the question of  
10 why not? And the answer is clear. It is found in the San  
11 Joaquin Valley Air Pollution Control District scientific  
12 survey of over 1,500 residents presented in its 2017-18  
13 report to the community. This survey reveals that the  
14 public, despite the horrendous air quality issues caused  
15 by recent wildfires, is unaware of the toxic nature --  
16 nature of wood smoke.

17 Only 36 percent of those surveyed knew wood smoke  
18 is harmful. Only 24 percent had heard of the District's  
19 Burn Cleaner program. In four years, these numbers had  
20 improved by only seven percent. It is worth noting that  
21 according to this survey, 75 percent of wood burners are  
22 English speaking and more than 23 have above median  
23 incomes. Yet, even among our more affluent residents with  
24 access to English language media, the toxic effect of wood  
25 smoke is not understood. Something must be change.

1           Better public education is the answer. Education  
2 is essential to bringing about rapid and voluntary change.  
3 I propose, therefore, that in implementing this new plan,  
4 CARB also fund for the Air Valley Pollution Control  
5 District a full-time position dedicated to educating the  
6 public about air quality issues, wood burning, and auto  
7 emissions in particular.

8           What would a robust education program look like  
9 beyond offering incentives? Our local education  
10 coordinator would, for example, hold workshops for coaches  
11 and the medical community, distribute information packets  
12 from booths at malls, colleges, sports events, the big  
13 Fresno Fair, the Clovis Rodeo, Big Hat Days, arrange for  
14 public service announcements to air on all local radio and  
15 television stations, direct an active and imaginative  
16 presence on all forms of social media, offer monthly  
17 public information workshops on how individual choices  
18 affect our air quality, reach out to civic organizations  
19 and give the district's informative presentation at their  
20 meetings.

21           In short, a robust education program, combining  
22 old fashioned outreach, current social media, and  
23 accurate, accessible information is desperately needed.

24           I ask you to recognize the vital role education  
25 plays in effecting change and to fund a full-time position



1 for our local district, so that such an education program  
2 becomes reality.

3 Thank you.

4 CHAIR NICHOLS: Thank you.

5 We have one more witness who signed up after the  
6 sheets were put together. Lori Apodaca. And that -- you  
7 will be the last witness.

8 Thank you.

9 MS. APODACA: Yes. Good morning. My name is  
10 Lori Apodaca. I am director of regulatory affairs at  
11 California Citrus Mutual. We represent citrus growers in  
12 the State of California.

13 I would just like to recognize the Air Resources  
14 Board on the implementation of the SIP today, and also to  
15 give support to your adopting this program as well.

16 Our members are committed to making improvements  
17 towards clean air. We have multi generational family  
18 growers. We have young growers. We have a multitude of  
19 growers who range from the coast to the valley to up north  
20 in the mountains, and they all do care about where they  
21 live.

22 They consider themselves stewards of their land.  
23 They want to pass it on to their children. They raise  
24 their children on their groves. And they are very  
25 concerned about their community.

1           So -- and as -- it's been spoken of before by our  
2 other ag organizations, these standards will be difficult  
3 to implement without further incentive funds. We've had a  
4 range of funds that have been provided and our growers are  
5 taking advantage of them. But to try to replace 12,000  
6 tractors by 2024 in the valley, that is asking a lot.

7           However, in any way that we can support you, we  
8 will. And at any time, if you have any questions about  
9 what our growers do, or any of the challenges that they  
10 face, feel free to reach out. And again, thank you for  
11 coming down to the valley today.

12           CHAIR NICHOLS: Thank you so much. I believe I  
13 can now close the record as far as testimony is concerned  
14 or information coming in, but we will proceed to have some  
15 discussion on the part of the Board.

16           We have quite a few members of this Board who  
17 have been involved in some of the issues that you all have  
18 been raising for a long time. I can't look around without  
19 thinking about previous hearings that we've had here or  
20 elsewhere where some of these issues have come up in the  
21 past. And while I don't want to rehash the entire history  
22 of how we got to where we are today, when I started at the  
23 beginning and talked about how far we had come with  
24 respect to this plan and the progress that had been made  
25 between the District and CARB, it was reflecting on some

1 of those previous hearings.

2 And so, of course, we are very happy -- we're  
3 very happy at the progress that's been made and to be in a  
4 position where our staff and most of the witnesses who  
5 have spoken have advocated that we adopt the plan that's  
6 before us, but asked for certain additional things to be  
7 done.

8 So I think we can focus on what those additional  
9 things are that need to be done and recognize that, as I  
10 said at the beginning, the plan doesn't carry itself out.  
11 There will be a great sense of relief and a great sense of  
12 temptation probably to go take a rest and maybe even go  
13 out and celebrate after the plan is adopted, but that's  
14 really only a milestone on a long journey towards --  
15 towards the kind of progress that needs to be -- needs to  
16 be made here.

17 And so I think we may want to focus some  
18 discussion around some of those issues that have been  
19 raised. Particularly, we could certainly look at what was  
20 submitted to us by Genevieve Gale on behalf of CVAQ and  
21 their partners. We could also -- I made a note about the  
22 issue that was raised at the very outset about whether  
23 we've adequately looked at the tradeoff or the potential  
24 tradeoff between ammonia and NOx.

25 I think we should be talking more, not just here

1 but statewide, but particularly here, given the really  
2 shocking numbers of asthma victims in the area about what  
3 kind of educational campaign CARB can and should be  
4 involved in here, certainly not on our own, but in  
5 coordination with other people.

6 But those were kind of the main issues that we  
7 were asked to address. There is one that I personally  
8 would like to mention, and that is the sort of what do you  
9 do if the money doesn't come, and what is plan B? Because  
10 having been around for longer than I probably care to  
11 admit, this is a -- this is an ongoing problem. But it's  
12 especially a problem now, because we've become so much  
13 more dependent on the use of incentives to really make  
14 progress. And we need to be. We need to be creative  
15 about how we use those incentives, and come up with  
16 probably better ways to leverage the funds.

17 But to the extent that we're reliant on money  
18 that comes from the State, I just want to make it clear to  
19 folks that CARB doesn't have the money. We don't control  
20 the money. The money comes from the Legislature. We can  
21 advocate. We advocate for the Governor's budget. To the  
22 extent that the Governor's budget doesn't have as much  
23 money in it as people in the community feel is needed,  
24 it's incumbent upon everybody to go to Sacramento and make  
25 the case for why this is a priority.

1 I think it's a very good case to be made, not  
2 just in terms of the need to protect health and to comply  
3 with laws, but also the fact that we, as a State now, are  
4 really increasingly talking about the divide between the  
5 urban and rural areas of the state. And it was only two  
6 weeks ago that, you know, in the State of the State  
7 Address the Governor spoke about his desire to bring  
8 together rural and urban California. And I think that  
9 this is very consistent with what he said. So hopefully,  
10 the legislature will also pay heed to that injunction as  
11 well.

12 But I want to invite fellow Board members who  
13 have issues or comments that they want to make about any  
14 of the comments that have come before us about the plan,  
15 and I'll just start at this end and we can go around.

16 BOARD MEMBER GIOIA: I'll be brief. I'll just  
17 say I think the community should feel proud that its voice  
18 at the meeting we had here, almost two years ago --

19 BOARD MEMBER SHERRIFFS: More than two years ago.

20 BOARD MEMBER GIOIA: Pardon?

21 BOARD MEMBER SHERRIFFS: More than two years ago.

22 BOARD MEMBER GIOIA: -- more than two years ago  
23 was vital and important to moving this plan further than  
24 originally proposed. So I think while nothing is ever  
25 perfect, I think there's been a lot of progress made, so

1 the community should feel proud that its voice here helped  
2 move this forward, and I think to remember that.

3 And we all believe that the partnership between  
4 the community, the local air district, and the business  
5 community is important to maintain, but it is important  
6 for the community to continue to advocate for stronger  
7 measures. And we intend to ensure that this plan that  
8 there be commitment to moving this plan forward. And we  
9 will check in. And there are members here who come from  
10 this community who will continue that as well.

11 So I just wanted to acknowledge that effort.

12 CHAIR NICHOLS: Thank you.

13 BOARD MEMBER SERNA: Thank you. So I, too, want  
14 to echo the statements just made by Supervisor Gioia, and  
15 perhaps just add a little in terms of really offering  
16 thanks to the community for their advocacy, but it's the  
17 kind of advocacy you've presented. It's one that's really  
18 steeped in making sure this Board and our staff understand  
19 the critical links between public health and this plan.

20 I think oftentimes what you read about CARB in  
21 the press, and certainly if you look at our agenda, our  
22 agendas on any given month, we, in years past, have really  
23 been focusing quite a bit on greenhouse gas reduction, as  
24 we should. But if you look at our charge as an agency, it  
25 really is steeped in protecting the public's health. And

1 this plan I'm convinced is going to go a long way to us  
2 meeting that charge here for the State of California and  
3 San Joaquin Valley.

4 Thank you.

5 BOARD MEMBER MITCHELL: This is truly a milestone  
6 that we have reached today that we have a plan in front of  
7 us that accomplishes as much as it accomplishes. And a  
8 big thank you to the community, and to the staff, to the  
9 Air District for working together to get us here.

10 The -- but then the next challenge rises up and  
11 that is implementing this plan. And a lot of people have  
12 mentioned incentives, because you have on the plate here  
13 five billion needed by 2024 to implement. I am very  
14 sympathetic to that, because I come from a district where  
15 we face the same challenges.

16 And there are incentives available under Carl  
17 Moyer under the Cap-and-Trade Program that will help the  
18 turnover of the fleets and the turnover of stationary  
19 sources as they improve to meet newer requirements.

20 One thing that was mentioned that I think is a  
21 good idea with the consent of the Air District and CARB  
22 would be to continue maybe the working group that you  
23 have, some kind of oversight committee - Kevin Hamilton  
24 mentioned that - to keep working on these problems. And I  
25 think that might be one of the elements that we ask for as

1 we move forward.

2           Certainly, public health is the whole issue here.  
3 And we know this area has such a high incidence of asthma.  
4 And that affects -- obviously affecting children,  
5 affecting babies, almost as soon as they're born, as one  
6 of our people came forward and testified to. That's very  
7 concerning. So that would be our primary motive as we try  
8 to implement this plan, we want to improve the public  
9 health for the whole community.

10           Someone mentioned that what we need also is a  
11 better education campaign for the wood burning. And in  
12 the South Coast, we also have wood-burning problems. And  
13 we have no burn days. And I think one of the things -- I  
14 don't know exactly what this air district does, but an  
15 educational campaign can be very helpful along those lines  
16 to educate people as to what the toxic effect is, but also  
17 educate people today is a no burn day. And so that's up  
18 to the Air District of course how they implement that.  
19 But there are some examples and ideas out there for us to  
20 look at.

21           So congratulations to the Air District, to you  
22 Samir, and our CARB staff for -- and the whole community  
23 that worked together to bring this about, because this is  
24 truly a milestone, and we look forward to seeing it  
25 implemented and seeing real improvements here in the San



1 Joaquin.

2 Thank you.

3 BOARD MEMBER EISENHUT: Thank you, Chair Nichols.

4 This is a robust plan. I believe it deserves our  
5 support. I also believe -- I guess the term I would use  
6 is trust but verify.

7 (Laughter.)

8 BOARD MEMBER EISENHUT: And I think I'd like to  
9 talk about process. In my briefing, I asked -- because  
10 there's been continuing conversations about updating and  
11 the schedule of updating. And it was suggested, in  
12 response to my question, that we would probably see our  
13 first review in late summer, early fall. Since we don't  
14 meet in August, I would suggest that that's no later than  
15 September. Otherwise, we're into winter. So I just put  
16 that out there as a challenge to staff. I don't think  
17 it's too far away to have an initial evaluation, because  
18 there are a multitude of pieces that need to come together  
19 for this plan to work and to work correctly. And that  
20 there would be no less than annual reviews subsequent to  
21 that first review.

22 I also -- it was raised more than once, including  
23 by the District, we received a letter not too long ago  
24 regarding credits. And whether we call it an audit or a  
25 review, I would encourage that action and encourage --

1 spend a little bit of time looking at the data reviewing  
2 the process that the Earthjustice engaged in to create  
3 that report.

4 I think it's troubling, and that it does deserve  
5 our attention. And I would like to at -- I'm not going to  
6 put a date on this, but certainly this year -- to have the  
7 results of that review shared with the Board.

8 Thank you.

9 CHAIR NICHOLS: That could perhaps be an  
10 amendment when the motion is actually formally in front of  
11 us. I'd be happy to have you make it.

12 Ms. Riordan.

13 BOARD MEMBER RIORDAN: Thank you. It's such a  
14 positive day today. I'm very impressed. I'm impressed  
15 with the efforts of the communities of interest to come  
16 together, along with those of us who are professionals and  
17 really work on a plan that I think has great potential.

18 And let me just share on the education part, our  
19 CARB staff has, I think, a lot of experience with  
20 educational programs. It goes further than just, you  
21 know, health and -- but it also includes how to reach out  
22 to those people who need to adopt new standards, and what  
23 incentives can be used, and how to use those.

24 And I would hope to our staff, and I'm now  
25 talking to our staff, we work with the District. I'm

1 going to assume the District has a public information  
2 officer. And probably some assistance there on our part  
3 could make for a very good outreach program that can be  
4 utilized throughout this vast district. I know you have  
5 to work with a whole lot of different entities because of  
6 it being so vast. You don't have just one newspaper, or  
7 one radio station, or one TV station. So you've got a  
8 challenge in front of you.

9           But I think we can be very helpful if we put our  
10 minds to it as we move through the process of adopting  
11 what I hope is the implementation plan that's before us.

12           And again like others, congratulations.

13           CHAIR NICHOLS: Thank you.

14           Ms. Berg.

15           VICE CHAIR BERG: Thank you.

16           I do just want to add how grateful I am for the  
17 communities, and for the District, and for our staff the  
18 work that has been put in over the last two years. It is  
19 extremely impressive. And to me it sets a standard, a  
20 high bar, which is a role model on how to come together.  
21 And I have been one of the Board members that has been  
22 attending over several years. And this is a different  
23 day. And it does feel good.

24           That said, I do understand the challenges. I  
25 understand the challenges from a business perspective, as

1 I run a business full time. And I understand that the  
2 push and pull of the need to take care of those children's  
3 health that we heard testimony today.

4 And so as we continue to work together to honor  
5 both sides of the importance of having strong economics,  
6 and great health, I am very excited about this Board, and  
7 our staff, and working in partnership with the District  
8 and with the community to see how we get this done and  
9 become a example of how to do it right.

10 So thank you very much to everyone, especially  
11 the students that came and testified. It's exciting to  
12 see the new generation and how they're going to  
13 participate.

14 So thank you very much.

15 CHAIR NICHOLS: Okay.

16 BOARD MEMBER SHERRIFFS: Thank you very much.  
17 Thank you for all of your comments from the Board so far.

18 You know, a reminder. A little over two years  
19 ago, there was no vision for a way forward. That was the  
20 plan. There was no vision for a way forward. And a  
21 commitment was made by this Board, and the Air District,  
22 and the community, in fact, to start working on a process  
23 to have a vision for a path forward. I don't know where  
24 we'd be today if we had gone down that other path.  
25 Certainly not here. Certainly not here.

1           We now have an achievable pathway. Is it simple?  
2 No. Everybody in this room has made a commitment to  
3 continue to make this work. It is far from over. Many  
4 comments about the work that remains to be done.

5           But, yeah, the businesses, the farming community,  
6 we need to be willing to expend our political capital in  
7 Sacramento and in Washington to make this plan work. I  
8 see a number of doctors in the audience. We need to be  
9 ready to expend our moral capital working with our  
10 professional organizations to work at the State and the  
11 national level on these issues. The community  
12 representatives need to continue to be ready to bring  
13 their stories and aspirations to the table to help move us  
14 forward on this.

15           So it's an achievable pathway. It's five years  
16 in the future. Who can predict what's going to be out  
17 there five years from now. Well, it was seven years ago,  
18 two years ago. And, you know, I would also suggest the  
19 other thing that's going on here, reminding everybody we  
20 have a commit -- we are moving forward regardless of EPA.  
21 We're not waiting for EPA to approve this. The Air  
22 District has already made commitments in terms of what  
23 it's doing in terms of examining the wood burning rules  
24 and so on. We're not waiting. We're moving forward. So  
25 that's another positive that's come out of this.

1           Now, obviously, there's some speed bumps that we  
2 all recognize. The ERCs have been noted. And by  
3 amendment, we certainly need to address that. And the Air  
4 District has stepped up, I believe, to a commitment to be  
5 sure that's a transparent and viable process.

6           State legislation, federal commitments to money,  
7 that's a potential speed bump, let alone the speed bumps  
8 we don't know.

9           The next steps are obviously critical. And I  
10 think that the staff did outline how are we going to do  
11 the incentive funding, looking at residential wood  
12 burning, alternatives to open ag burning, research on  
13 ammonia. Those have all been highlighted in testimony as  
14 critical areas we need to continue working on.

15           The suggestion of a public advisory committee is,  
16 I think, a good one to help us stay focused on those. And  
17 that might be, in fact, a very good forum to look at some  
18 of the other areas that we may be able to find, that we  
19 will be able to find reductions. Largest stationary  
20 sources, supporting alternatives to ag burning, among  
21 others.

22           So it is a giant step, but it's just a step on  
23 that pathway. And we're clearly committed to monitoring  
24 that progress, because it never goes smoothly. But we  
25 have an -- we have an achievable pathway, which is not

1 something we had two years ago.

2           So thanks to everyone for their participation in  
3 that.

4           CHAIR NICHOLS: Thank you.

5           BOARD MEMBER TAKVORIAN: Thank you.

6           Let me add my congratulations. The improvements  
7 are more than significant. It's really a credit to the  
8 local community, to the environmental justice community,  
9 and the advocates, and to the CARB staff, and to the  
10 District staff who just decided that it was better to work  
11 together than continue to get our swords out and fight  
12 each other.

13           So I think that it is -- it is truly a culture  
14 shift. And I would agree with Dr. Sherriffs that it's  
15 appropriate that CARB is here in this community, that CARB  
16 came to this community that's been so impacted and so  
17 challenged for so long. And I hope that CARB can continue  
18 that culture and travel around the state to impacted  
19 communities where I think that community members would  
20 like to see us and like to engage with us more directly.

21           I want to say that I agree with Chair Nichols  
22 that monitoring is key, that we can't just walk away.  
23 This isn't going to do itself. So I want to reinforce  
24 what I think others have said.

25           The monitoring has to be on the incentives. I

1 believe this is unprecedented in terms of the amount of  
2 money that we're counting on for this plan to be  
3 implemented and to be successful. So I would second, if  
4 that's appropriate, Mr. Eisenhut's amendment that would  
5 say let's -- let's look at this again in September with  
6 all of the benchmarks that we really need to look at, so  
7 we can see how they're going. And I know we'll have a  
8 good -- a better sense at least, at that point, as to  
9 where the State budget will be, so -- but work to do  
10 between now and then, so that we can make it as good as  
11 possible.

12 I really agree that we have to do a review of  
13 these emission reduction credits. This is a troubling  
14 report. This is unacceptable and we really need to know  
15 what the facts are about -- about this situation, so that  
16 we can make amendments, if necessary. So I would say  
17 those two things.

18 And lastly, I think the issue in regards to  
19 alternatives in regards to both the ag burning, as well as  
20 the increase in the ammonia. And that we need to look at  
21 alternatives to both of those methodologies as well. They  
22 keep being brought up. And while I think we've made some  
23 progress, there's clearly farther to go. So  
24 congratulations. I think we should move forward, but with  
25 the amendments that have been noted so far.



1 Thank you.

2 BOARD MEMBER BALMES: Well, I also would like to  
3 say it's really a pleasure to be here when both the  
4 community and the Air District are more or less on the  
5 same page. And I think that's a credit again to both the  
6 community input and to the new leadership of the District.

7 As I've said multiple times, you know, I've been  
8 working in the Fresno community in terms of air pollution  
9 health effects research for 20 years now, initially funded  
10 by the Air Resources Board. And I do understand the  
11 impact of the unhealthy air that we have down here  
12 multiple times during the year on the health of children.  
13 It's not just asthma that was highlighted.

14 My group is about to publish hopefully effects on  
15 diabetes -- well, I should say, pre-diabetes,  
16 pre-hypertension, and pre-metabolic syndrome in children  
17 here in -- young children here in Fresno. So it is a  
18 public health problem that we have to continue to focus  
19 on.

20 You know, that said, I'm really pleased with the  
21 plan. But as Kevin Hamilton and others have said now  
22 comes the hard part, the implementation. I think -- I  
23 mean, I was pleased to hear a member of the San Joaquin  
24 Valley Air Pollution Control District board, Dr.  
25 Sherriffs, endorse Kevin's idea for a public advisory

1 group.

2 I'll just say my experience chairing the AB 617  
3 Consultation Group, where we've had stakeholders from  
4 industry, the districts, and environmental justice groups  
5 has been, I think, a pretty good forum for dealing with AB  
6 617 issues. And I think that having a continued public  
7 advisory group here in -- to help the San Joaquin Valley  
8 Air Pollution Control District implement this plan is a  
9 good idea.

10 I definitely endorse Mr. Eisenhut's amendment to  
11 our resolution. And I really am very upset about the  
12 emission credit issue. And I just -- despite the fact  
13 that I've been involved in Fresno air pollution work for  
14 20 years, I didn't even know about these credits until I  
15 got the report from CVAQ and the anti-fracking coalition.

16 It's troubling. We need real reductions in air  
17 pollution, not paper ones. And I'll just put it on the  
18 table, we should not be subsidizing the oil industry  
19 period. I know there are jobs that are involved in the  
20 oil industry here in the valley, in Kern County. And I  
21 think those are important. And we have to -- just like we  
22 have to transition coal miners from their jobs to better  
23 and cleaner jobs, we need to do the same thing in the oil  
24 industry as far as I'm concerned.

25 But CARB whose mission is to clean up the air,

1 protect the climate, cannot be subsidizing in any way the  
2 oil industry to have emission credits where they don't  
3 have to really reduce emissions as much as they should.

4 I know that's a broad stroke, and I'm  
5 oversimplifying, but I think that's the bottom line for  
6 me. So I'm very supportive of the efforts on the part of  
7 our Board to work with the District to do an audit of  
8 these emission credits.

9 So again, shifting back to congratulations, I  
10 think this is a good day for air quality in the San  
11 Joaquin Valley.

12 Thank you.

13 BOARD MEMBER DE LA TORRE: I just have two  
14 comments. One on that latter point, which everybody has  
15 said, when we did not accept the previous plan and sent  
16 you all to go back to work, we didn't know that this would  
17 be the outcome. We just knew that that was unacceptable.  
18 And so it is very impressive. It took two years. You  
19 went away. But you came back with a much better plan that  
20 we are all obviously from the comments supportive of.

21 Number two, on the credits, this is not a San  
22 Joaquin thing only. It's a statewide thing. When I heard  
23 about it, it wasn't in the context of here. It was in the  
24 context of multiple places up and down the state. So when  
25 we do this and ask staff to look into it, whether you call

1 it a review, an audit, whenever, it has to be district by  
2 district statewide.

3 Thank you.

4 CHAIR NICHOLS: Can't be in place where we're  
5 talking about agricultural burning without calling upon  
6 the last member of this Board, who has such a long history  
7 of having worked on this issue.

8 BOARD MEMBER FLOREZ: Thank you. Thank you,  
9 Madam Chair. I don't know if this is on or not.

10 First and foremost, thank you for coming to  
11 Fresno. I'm always reminded of an early trip under the  
12 Schwarzenegger administration. As he was flying down to  
13 do another Temperance Flat press conference on water, when  
14 he commented to, at that point, Kevin McCarthy, looked  
15 down at the valley and said, boy, it's a foggy day there.  
16 And everyone said, no, that's smog from his plane.

17 And I thought it was kind of an opening -- an  
18 eye-opening moment for then the Governor to look down on  
19 this bowl that, I think Lupe Martinez just said, where  
20 kids are born with the thought that asthma is in their --  
21 going to be in their lifetime.

22 And obviously, this has been my home. I  
23 represented this area for over a decade. And I think one  
24 of the things the Board did right a couple years ago was  
25 just to hold up and ask the question whether or not we

1 could do better. And I think that was great. And I want  
2 to thank Samir particularly for doing better.

3 And it is leadership change here as well at the  
4 Board, not necessarily at the Board level, but I think, as  
5 an executive. I want to thank you for your leadership. I  
6 think it's quite a marked change for someone who has dealt  
7 with this Board for many, many years. And I just want to  
8 publicly acknowledge the trajectory you're on right now.  
9 And I hope it -- I hope it can remain. And I know you're  
10 a subject of a Board as well, so I know it's a tough place  
11 to be.

12 But I would like to add two things that Genevieve  
13 Gale mentioned. First, we're not sure that incentives  
14 will solve this. We're not sure, as the Chairwoman  
15 mentioned, we don't have enough money in the world to meet  
16 this. I'm sure if I asked Samir back to the mic, he would  
17 say something in the billion dollar range. So, in that, I  
18 would hope that one small item I would add to our action  
19 is to have the District and the Air Board look at the  
20 largest stationary sources and really review that back-up  
21 plan, that plan B if you will. What are we going to be  
22 doing with some of these larger oil companies here in the  
23 valley? What's the back-up plan if incentives aren't  
24 going to get us there. So just somehow have a dialogue a  
25 bit about what that inventory looks like would be very

1 valuable.

2           The second would be obviously on the burning  
3 program. I think the board took a significant action --  
4 the local board took a significant action this year and  
5 offered a million dollars to farmers to look at an  
6 alternative to burning. It's very hard to compete with a  
7 \$0.01 match. It's always the most economic. And I  
8 applaud the District for creating a \$1 million program  
9 that I assume is already oversubscribed within the first  
10 couple of weeks. And I think it's a signal to the  
11 Governor and to the Board that we need more funding in  
12 that particular category for this particular board.

13           I think it should be something like \$30 million.  
14 And if we -- if the Governor starts to rearrange dollars,  
15 I would hope that he would look at that as one of the more  
16 significant actions in terms of funding.

17           But I also would like to have staff, if possible,  
18 Madam Chair, look into the fact that -- I guess every five  
19 years we look at the particular role from this level and  
20 approve exemptions. And I would hope that we would have a  
21 pre-review prior to that rule being approved, which I  
22 believe is the next couple of years. So I think maybe  
23 interfacing with the District on that exemption well  
24 early, so that we don't run into a -- into a real problem  
25 the day of the Board meeting, but are aware of it coming

1 into this maybe a year ahead.

2 One of the recommendations that Ms. Gale put out  
3 is really that expedited review. So I would hope we could  
4 some find a way to incorporate that.

5 And I very much appreciate the advocates who live  
6 here every day. Tom Frantz is a regular. And I think I  
7 want to thank everyone here who lives here Lupe, Tom,  
8 Genevieve, the entire -- everybody -- when we leave and  
9 you're still here in some sense dealing with these issues,  
10 I would just like to say that we need to have more  
11 meetings like this in these affected areas. Rural  
12 communities sometimes are, you know as the Governor said  
13 in his inaugural, you know, I see you. I hear you. And  
14 I'm really happy that the Board is doing this here today.  
15 So hopefully we can continue that dialogue.

16 CHAIR NICHOLS: Thank you.

17 Voting on the resolution may seem like it's  
18 anticlimactic after --

19 (Laughter.)

20 CHAIR NICHOLS: -- after all the discussion. But  
21 I was hoping we could sort of get all the issues out  
22 and -- you know, and then proceed to a formal vote.

23 We can probably give the staff direction without  
24 actually amending the resolution in a formal way. But I  
25 want to make sure that we've got clarity on what it is

1 that we're asking the staff to do, and that they're in  
2 agreement that this is something -- that these are things  
3 that they are able and willing to do.

4           So maybe I'll turn to Mr. Corey or Mr. Karperos  
5 on these issues. But particularly on coming back early,  
6 as early as September shall we say, to let us know how  
7 things are going. We certainly will know more about the  
8 budget situation. And we could, I think by that time,  
9 have some better information at least about the ERC  
10 situation here and statewide, as Mr. De La Torre has  
11 suggested.

12           On the question of oversight, I don't want to  
13 dictate from here what the committee or kind of a  
14 committee ought to look like. I think it's a little  
15 difficult to do that. But I think you're hearing from  
16 everybody that there is a need for ongoing engagement,  
17 which includes the community, and also includes ARB, and,  
18 of course, the District, so -- and others from the  
19 regulated -- regulated community, as well as the advocacy  
20 community.

21           So we can hopefully at a staff level, those of  
22 you who are engaged on a regular basis in thinking about  
23 outreach and oversight can get together on that. And  
24 similarly, on the design of a better -- this is an ongoing  
25 issue, but there are always new ideas and new ways of



1 doing these things, ways of educating a community about  
2 both the harmful effects of pollution and also about the  
3 no burn days and, you know, specific actions that need to  
4 be taken. But I think I need a response at this point  
5 from the staff.

6 EXECUTIVE OFFICER COREY: Yeah. Thanks, Chair.  
7 So I'm going to just summarize what we captured as next  
8 steps from a Board direction action.

9 One, it was really just capturing the point that  
10 you made, Chair, which was the plan -- the plan is  
11 significant, but it is really predicated on  
12 implementation, and the expectation of the Board for an  
13 annual report on the status of implementation. And that  
14 means the status of the rules on the books, the  
15 enforcement of those rules, the adoption of new  
16 regulations and rules, as well as incentives.

17 And to Mr. Eisenhut's point, September actually  
18 this year is a good time, for the reasons that you just  
19 pointed out, Chair. We'll be past the budget. That will  
20 be a good touchpoint. But the expectation is an annual  
21 report back, at a minimum, in terms of implementation  
22 going forward beyond 2019.

23 That report back to the Board in September would  
24 also be a good time, as Chair Nichols just indicated, for  
25 a status of our evaluation of the ERC program. We'll be

1 initiating that very soon. I need to sit down with the  
2 District, other folks, pull a team together and begin  
3 that. That effort will begin in the near term next month  
4 actually. So as part of that September report, we'd be  
5 including the evaluation that we've gone through, what we  
6 found, next steps. It may inform to Mr. De La Torre's  
7 point a process with respect to other districts that we  
8 may want to look at down the road.

9 I also think that that September report could  
10 include the point that Senator Florez mentioned concerning  
11 are there additional opportunities on the large sources --  
12 large industrial sources, because there is an effort to  
13 broader apply BACT to large sources throughout the state.  
14 And I think we can talk about progress on that, where we  
15 are, and how we're moving forward.

16 And really I wrap-up on this by just underscoring  
17 the progress that's been made, as you all pointed out, but  
18 also the public process, and the engagement, and the  
19 opportunity that this has provided for us as a team to  
20 establish a tighter relationship with the community, the  
21 Air District than really we've ever had. And it's really  
22 going to take that going forward. And really we take the  
23 message here and the direction from you to heart, because  
24 this really is a key milestone, but clearly much to do to  
25 deliver on what's captured in this plan.

1 CHAIR NICHOLS: Okay. With all of that, I think  
2 it would be a good time to have a motion to approve the  
3 resolution.

4 BOARD MEMBER SHERRIFFS: Thank you. Motion to  
5 approve.

6 BOARD MEMBER BALMES: Second.

7 CHAIR NICHOLS: All right and seconded by Dr.  
8 Balmes. And I think I could just ask that this be a  
9 unanimous vote, if there's no dissent. Let's make it  
10 unanimous.

11 All in favor please say aye?

12 (Unanimous aye vote.)

13 CHAIR NICHOLS: Opposed?

14 None.

15 Very good. Thanks and congratulations. And  
16 we'll get on with the next step.

17 (Applause.)

18 CHAIR NICHOLS: All right. Let's take a very  
19 brief stretch comfort break. Be back in 10 minutes.

20 (Off record: 11:30 a.m.)

21 (Thereupon a recess was taken.)

22 (On record: 11:43 a.m.)

23 CHAIR NICHOLS: Board member, if we can assemble.  
24 People who want to socialize can do so out in the hall,  
25 but we need to get back to work here.

1           Okay. The next item before us is amendments to  
2 On-Road Heavy-Duty Diesel-Fueled Residential and  
3 Commercial Solid Waste Collection Vehicles, and a  
4 regulation to include heavy cranes. So those of you who  
5 love giant cranes, and who does not love giant cranes,  
6 please need to come forward so we can begin this item.

7           The sound system works, I believe in the side  
8 haul area for any Board members who have to step out for a  
9 moment.

10           Do we have the staff that are ready to present on  
11 this item.

12           They look ready. All right. While we're -- just  
13 before you begin, if we could talk about the schedule for  
14 just a minute. I'd like to complete this item, and then  
15 take a half hour lunch break today, because I know there  
16 are people who have planes to catch. And at least for the  
17 Board members, we can, I think, do lunch in a half an  
18 hour.

19           So, okay, let's begin. I may have even have some  
20 opening remarks here, if I could find them. And if I  
21 can't, we could just begin.

22           No.

23           Well, let's just say that this next item here  
24 involves a staff recommendation that the Board approve two  
25 different changes to our existing regulations. The first

1 is to add a reporting requirement to ensure that solid  
2 waste collection vehicles that comply with our regulations  
3 don't experience delays in registration with the  
4 California DMV due to recent changes in California law.  
5 This is a very technical amendment, but obviously it's  
6 important to those who have these vehicles.

7           And then the second is to try to find a feasible  
8 compliance path for specialized heavy cranes. And I  
9 understand we have several people here to testify on that  
10 as well. So, Mr. Corey, would you please introduce the  
11 item.

12           EXECUTIVE OFFICER COREY: Yes. Thanks, Chair.

13           The proposed amendments, as you note, really  
14 fo -- they focus on the solid waste collection vehicle  
15 regulation. And they include a new reporting requirement  
16 for solid waste collection vehicles without changing  
17 compliance requirements. It also expands the scope of the  
18 regulation to include heavy cranes with a newly added  
19 phase-in schedule.

20           Prior to 2014, staff worked closely with crane  
21 operators, crane manufacturers, and organizations to  
22 investigate and collect data on specialized crane  
23 operations. They ultimately determined that retrofitting  
24 with PM filters or replacement engines was not feasible  
25 for the most specialized heavy cranes.

1           As a result, the Board approved amendments in  
2 2014 to the Truck and Bus Regulation that applied to a  
3 wide range of trucks and added a new compliance option for  
4 heavy cranes. The 2014 amendments to the Truck and Bus  
5 Regulation, however, were challenged in court on  
6 procedural grounds and are being rescinded.

7           The proposed amendments to the solid waste  
8 collection vehicle regulation would provide a newly added  
9 phase-in schedule that would allow time for crane  
10 operators to upgrade equipment, and in a manner that's  
11 consistent with crane certification safety standards. The  
12 proposed amendments to the Solid Waste Collection Vehicle  
13 Regulation to include cranes also recognizes the high cost  
14 of replacing the spec -- this specialized equipment.

15           These amendments are needed to ensure crane  
16 operators continue to make progress in reducing emissions  
17 to protect public health.

18           I'll now ask Chris Franceschi of the Mobile  
19 Source Control Division to begin the staff presentation.

20           Chris.

21           (Thereupon an overhead presentation was  
22 Presented as follows.)

23           AIR POLLUTION SPECIALIST FRANCESCHI: Thank you,  
24 Mr. Corey.

25           Good afternoon, Chair Nichols and members of the

1 Board. Today, I will present to you the proposed  
2 amendments to the Solid Waste Collection Vehicle  
3 Regulation to include heavy cranes.

4 --o0o--

5 AIR POLLUTION SPECIALIST FRANCESCHI: I will  
6 first present some background information followed by  
7 objectives for amending the regulation. I will also  
8 discuss the proposed amendments which includes reporting  
9 requirements for solid waste collection vehicles and the  
10 addition of heavy cranes to the regulation, with a  
11 feasible compliance path to upgrade these cranes.

12 Finally, I will provide staff's recommendations.

13 --o0o--

14 AIR POLLUTION SPECIALIST FRANCESCHI: There are  
15 two distinct components to the staff proposal. The Solid  
16 Waste Collection Vehicle Regulation became effective in  
17 July of 2004 and required affected vehicles to have  
18 particulate matter, or PM, filters installed by December  
19 31st, 2010, and included an exemption for low-use  
20 vehicles, but does not have a reporting requirement.

21 The regulation was one of several regulations  
22 approved by the Board to reduce adverse health effects  
23 from exposure do diesel PM from diesel vehicles operating  
24 in California.

25 Single engine heavy cranes are currently subject

1 to the Truck and Bus Regulation and are now subject to the  
2 same requirements as other diesel vehicles, because the  
3 heavy crane compliance option was rescinded last year,  
4 which I will describe in more detail later.

5           However, most heavy cranes could not be safely  
6 retrofit with PM filters or newer engines and were able to  
7 operate under the PM filter extension that expired January  
8 1st on 2018.

9           Currently, many heavy cranes are out of  
10 compliance and must immediately upgrade. These cranes  
11 have a very high replacement cost and owners need  
12 additional time to phase newer cranes into the fleet.

13                           --o0o--

14           AIR POLLUTION SPECIALIST FRANCESCHI: Now, I will  
15 describe the reasons for each component of the proposed  
16 amendments.

17           Solid waste collection vehicles will need to be  
18 identified to avoid registration delays with the  
19 California DMV, as heavy-duty diesel vehicles that do not  
20 meet the requirements of the Truck and Bus Regulation  
21 beginning January 1st 2020 will not be able to renew  
22 registration with the California DMV next year.

23           With regard to heavy cranes, due to the court's  
24 ruling in the California Trucking Association and Lawson  
25 Rock and Oil lawsuit, flexibility options approved by the



1 Board in 2014 are no long available. This affected a  
2 compliance option for heavy crane owners that justifiably  
3 need adequate time to upgrade their equipment.

4 Specifically, the compliance option for heavy  
5 cranes that was included in the Truck and Bus Regulation  
6 provided a flexible phase-in schedule and allowed cranes  
7 equipped with PM filters by 2018 to meet the final  
8 requirement. A timely amendment is needed to minimize  
9 enforcement action on these vehicles.

10 The proposed amendments, which I will discuss in  
11 further detail on the following slides, would help to void  
12 potential registration delays for solid waste collection  
13 vehicles, and would reinstate a feasible compliance option  
14 for heavy cranes.

15 --o0o--

16 AIR POLLUTION SPECIALIST FRANCESCHI: This slide  
17 summarizes the proposed changes that apply to solid waste  
18 collection vehicles. Staff is proposing to clarify the  
19 definition of affected vehicles and to add reporting  
20 requirements beginning in 2019 so that we can identify  
21 these vehicles and avoid delays with California DMV  
22 registration starting in 2020. This will include a  
23 requirement to report annual mileage for vehicles  
24 designated as low use.

25 --o0o--



1 prior to 2018. Now that these flexibilities have been  
2 rescinded, these actions are no longer sufficient.

3 Crane fleet owners need sufficient time to  
4 replace remaining equipment. There are about 700 single  
5 engine heavy cranes in 200 fleets.

6 --o0o--

7 AIR POLLUTION SPECIALIST FRANCESCHI: Heavy  
8 cranes differ significantly from other trucks, because  
9 they are highly specialized equipment and are only  
10 available from a handful of manufacturers worldwide.  
11 Heavy cranes have strict OSHA requirements that limit the  
12 ability to retrofit or repower the engine. And it is not  
13 feasible to recertify most heavy cranes.

14 New heavy cranes also have a significantly higher  
15 cost than most other diesel trucks. And the ability to  
16 purchase used heavy cranes is considerably more  
17 challenging.

18 --o0o--

19 AIR POLLUTION SPECIALIST FRANCESCHI: It is not  
20 practical for heavy cranes to meet the same fleet turnover  
21 requirements as other trucks. There are currently 683  
22 heavy cranes in California. Of these, 25 percent have  
23 been upgraded to 2010 or newer model year engines. About  
24 30 percent have originally equipped or retrofit PM filters  
25 and are currently compliant, but will now have to be

1 replaced over the next four years. Cranes that could not  
2 be retrofit with a PM filter represent 37 percent of the  
3 population and are currently not in compliance.

4 Existing requirements for heavy cranes to meet  
5 the same fleet turnover requirements as other trucks could  
6 disrupt the California economy. We believe it is not  
7 feasible to replace this many cranes in this short of a  
8 time period, and it is not viable solution to immediately  
9 park this many cranes.

10 The regulation could also have a direct impact on  
11 smaller crane fleets and would create ripple effects from  
12 delayed projects that need cranes services.

13 For these reasons, we do not expect to achieve  
14 the same emissions reductions from heavy cranes that is  
15 currently required by the Truck and Bus Regulation.

16 --o0o--

17 AIR POLLUTION SPECIALIST FRANCESCHI: I will now  
18 summarize the proposed requirements for heavy cranes.  
19 Fleets must phase in 2010 or newer model year engines from  
20 2019 to 2027 at a rate of ten percent of the heavy cranes  
21 per year, beginning with a 20 percent requirement in 2019.  
22 Heavy cranes already equipped with a PM filter before 2018  
23 would receive credit to be treated the same as those with  
24 2010 or newer model year engines.

25 Reporting is required until 100 percent of the

1 crane fleet has a 2010 or newer model year engine

2 --o0o--

3 AIR POLLUTION SPECIALIST FRANCESCHI: Shown here  
4 is a more detailed look at the proposed phase-in schedule.  
5 It provides a feasible compliance option with sufficient  
6 time to add single engine heavy cranes with 2010 or newer  
7 model year engines to the fleet. This proposed schedule  
8 also maintains a level playing field for all heavy crane  
9 owners by remaining consistent with the schedule  
10 previously approved by the Board.

11 --o0o--

12 AIR POLLUTION SPECIALIST FRANCESCHI: Staff is  
13 also proposing an optional compliance pathway that is  
14 based on the model year of the engine to ensure that the  
15 proposed regulation meets the useful life criteria  
16 required by Senate Bill 1.

17 --o0o--

18 AIR POLLUTION SPECIALIST FRANCESCHI: Staff is  
19 also proposing some exemptions to address long lead times  
20 in replacing cranes and to address low-use vehicles.  
21 Staff propose to allow additional time if the crane owner  
22 enters into a contractual agreement, at least four months  
23 prior to the required compliance date.

24 Staff is also proposing a low-use provision that  
25 an exempts heavy cranes from the requirements if they are

1 operated less than 1,000 miles per year without an hourly  
2 restriction. This maintains a level playing field for all  
3 heavy crane owners by remaining consistent with the  
4 low-use exemption previously approved by the Board.

5 --o0o--

6 AIR POLLUTION SPECIALIST FRANCESCHI: Staff are  
7 proposing that fleets report all heavy cranes and meet  
8 record keeping requirements until all heavy cranes have  
9 been upgrade to 2010 engines. Reporting will continue to  
10 be through TRUCRS, the system they are currently reporting  
11 in.

12 --o0o--

13 AIR POLLUTION SPECIALIST FRANCESCHI: I will now  
14 describe the economic impacts of the proposed amendments.  
15 For solid waste collection vehicles, staff estimates that  
16 there would be a slight increase in administrative costs  
17 due to the proposed reporting requirements. For cranes,  
18 projected costs are lower due to the extended upgrade  
19 schedule, which smoothes out compliance costs over several  
20 years with a total savings of about \$59 million for the  
21 analysis period of 2019 to 2032.

22 The cost savings are based on comparison with a  
23 scenario that assumes full compliance with the existing  
24 requirements without the amendments previously approved by  
25 the Board in 2014. Until this year, staff updates to the

1 Board have reflected the compliance requirements of the  
2 Truck and Bus Regulation as amended in 2014.

3 In this analysis, the crane inventory was updated  
4 using recent data from DMV registrations, information  
5 reported to us in the TRUCRS reporting system, and with  
6 data collected in 2012 on operating hours and miles from  
7 heavy cranes. This is described in the staff report and  
8 the detailed data used for the analysis is available on  
9 our website. Costs and emissions were compared using the  
10 same scenarios.

11 The next two slides show the updated emissions  
12 analysis for cranes.

13 --o0o--

14 AIR POLLUTION SPECIALIST FRANCESCHI: The  
15 projected PM2.5 emission from the proposed amendments are  
16 lower than the existing conditions in every year, and  
17 achieve nearly the same emissions level as the existing  
18 2011 Truck and Bus Regulation after 2027 when all cranes  
19 have PM filters.

20 While the staff report characterized the 2011  
21 Truck and Bus Regulation as a baseline reference point,  
22 staff would like to clarify that language was intended to  
23 designate the baseline for purposes of the Administrative  
24 Procedure Act, which requires that CARB compare costs and  
25 emissions to existing requirements.

1           The CEQA baseline, as shown clearly in these  
2 figures, is the existing conditions at the time  
3 environmental review began in 2018. Similarly, the delta  
4 between projected future emissions under the hypothetical  
5 existing 2011 Truck and Bus Rule, assuming full compliance  
6 scenario and the proposed amendment scenario, is not an  
7 impact from a CEQA perspective, given that emissions will  
8 continually decrease under either scenario from the  
9 existing conditions baseline.

10                           --o0o--

11           AIR POLLUTION SPECIALIST FRANCESCHI: This slide  
12 shows the projected NOx statewide from heavy cranes. The  
13 projected emissions from the proposed amendments are lower  
14 than the existing conditions in every year and will  
15 continue to reduce NOx, but not as quickly as if assuming  
16 full compliance with the 2011 Truck and Bus Regulation.

17                           --o0o--

18           AIR POLLUTION SPECIALIST FRANCESCHI: In summary,  
19 the environmental analysis shows a continued trend of  
20 reducing diesel PM and NOx with the proposed amendments,  
21 and there is no increase in emissions when compared to  
22 existing environmental conditions in 2018.

23           The air quality analysis shows projected  
24 emissions levels under the various scenarios from 2019 to  
25 2021. One scenario was based on the 2011 Truck and Bus



1 Regulation, hypothetically assuming full compliance with a  
2 requirement that we believe is not feasible for heavy  
3 cranes. We need to continue reducing emissions from heavy  
4 cranes to protect public health and will continue to do so  
5 with the proposed amendments.

6 The population of heavy cranes represents less  
7 than one percent of trucks and emissions affected by the  
8 Truck and Bus Regulation and will not impact the State's  
9 ability to meet long-term SIP requirements as I will  
10 describe on the next slide.

11 --o0o--

12 AIR POLLUTION SPECIALIST FRANCESCHI: The  
13 proposed amendments continue to maximize emission  
14 reductions from heavy cranes in nonattainment areas, and  
15 would result in 0.2 percent and 0.4 percent fewer  
16 statewide PM2.5 and NOx emissions reductions than expected  
17 from the 2011 Truck and Bus Regulation in 2023.

18 The proposed amendments continue to satisfy the  
19 federally enforceable State Implementation Plan  
20 commitments in 2023 and continue to provide needed  
21 reductions for 2031.

22 --o0o--

23 AIR POLLUTION SPECIALIST FRANCESCHI: Staff  
24 recommend the Board approve the proposed resolution, which  
25 includes adoption of the environmental analysis and the

1 proposed amendments. It is critical that we have a timely  
2 effective date to provide a viable compliance option for  
3 heavy cranes to minimize enforcement action and avoid DMV  
4 registration delays for solid waste collection vehicles.  
5 Because the 2014 amendments to the Truck and Bus  
6 Regulation were rescinded last year, many heavy crane  
7 fleets are currently out of compliance.

8 Today, your decision will make it clear to these  
9 fleets what the requirements are and will avoid  
10 enforcement challenges.

11 This concludes my presentation.

12 CHAIR NICHOLS: Thank you. We have a list of  
13 witnesses in front of us. We've got six individuals who  
14 signed up to speak, so why don't we get started.

15 SAN JOAQUIN COUNTY SUPERVISOR PATTI: Are we on?  
16 Testing.

17 Great, I'm back.

18 So, boy, we have a lot to say, and I know that  
19 myself and others will stay afterwards as this is kind of  
20 winding down.

21 First off, staff congratulation. Fantastic.  
22 Monumental task to get this far. I mean, you guys have  
23 done a great job. I represent small business people. As  
24 a -- as a county supervisor, prior to that and currently  
25 now, I own a business with 49 years of continuous service.

1 Every year annually, I serve probably 400 companies  
2 locally and regionally in my area, San Joaquin County.  
3 There's one challenge here, one challenge that I think  
4 needs to be amended. And it's for -- your Board's  
5 decision here is going to have an impact economically with  
6 ripple effects throughout the State of California. And I  
7 cannot emphasize that anymore. The decisions you make  
8 today will rep -- will have repercussions across the state  
9 of California.

10 This is not a one size shoe fits all. The one  
11 issue, and I want to emphasize one issue here -- we're not  
12 asking for funding, because we know in the last hearing  
13 that it was surmised that the funding is not available,  
14 not even yours to allocate. We have a new governor with  
15 priorities. There's one issue, the 1,000 mile a year  
16 exemption, not one size shoe fits all. If I had a company  
17 right in downtown Los Angeles or right in San Francisco, I  
18 could do my crane business with 300 miles a year.

19 That's not how all businesses are working, the  
20 one size shoe fits all. It used to be 5,000. When we had  
21 by hearings in Sacramento and Los Angeles, we were talking  
22 about 20 to 30 thousand. I implore you, we need 20,000  
23 mile a year exemption. We're talking about hundreds of  
24 piece of equipment. You know, when it comes to equipment,  
25 you guys have highlighted when it comes from -- you're

1 removing one category, the truck cranes. Also, there's  
2 crane trucks. I have boom trucks mounted on diesel  
3 carriers. Same exact models. They're four hundred, five  
4 hundred thousand dollar piece of equipment With about 80  
5 to 100,000 dollars diesel component to it.

6 I cannot throw away my \$350,000 crane because the  
7 motor is not compliant. I implore you, we need 20,000  
8 miles. Staff has done a brilliant job, and you guys have  
9 a monumental task. But your decision today will have  
10 repercussions throughout the economy, myself and dozens  
11 and dozen of crane companies, not even -- it's not  
12 hundreds, but there are dozens of crane companies serving  
13 their community much like an auto mechanic, much like a  
14 dentist, much like a fire department serves a community.

15 One big fire station In San Francisco will not  
16 cover Northern California. Those big companies that work  
17 24 hours a day and make millions of dollars a month, I am  
18 a small little dot when it comes to the economic impact.  
19 But I'm an important component to my local economy and the  
20 people that I employ.

21 I am begging you, 20,000 miles. Leadership has  
22 shown by actions taken to bring success to others. Do not  
23 make a decision today that will hurt the economy of  
24 California. I thank you very much, and I got lots of  
25 notes. And we are here to answer any questions, because

1 we engaged in this for a long time.

2           But I will close with this decision is not just  
3 the heavy truck cranes, also boom trucks. My 80,000 pound  
4 crane that rides down the road on a Peterbilt is a boom  
5 truck. It's 50 tons. It's \$450,000 to buy a new one. I  
6 can't by a new one, but I am going to replace my 1990  
7 truck very soon, once I've paid off my 2009, which will  
8 not be compliable very soon.

9           So this artificial, you know, mandate is not one  
10 size shoe fits all. I don't flip my fleet. I will have  
11 my cranes, because I take care of them, on a small  
12 independent business owner. And I'm speaking on behalf of  
13 multitudes of people like me, and we employ lots of people  
14 to state of California, and we serve hundreds -- actually,  
15 thousands of companies. You will have a demand -- a  
16 damaging effect to California's economy, if you think this  
17 is one size shoe fits all, and we are all penalized  
18 equally or have the equal same mandate.

19           Please, I implore you. And I thank you so much.  
20 I truly respect and appreciate all that you guys do.  
21 Thank you.

22           CHAIR NICHOLS: Thanks for your comments. We  
23 will be talking about this further.

24           Next.

25           MR. VLAMING: That's a tough act to follow.

1 Madam Chair, members of the CARB Board, staff, my name is  
2 Michael Vlaming. I am the Executive Director of the Crane  
3 Owners Association and the Mobile Crane Operators Group.

4 Collectively, the members of these two  
5 organizations represent over 30 crane rental contractors  
6 that have both small, medium, and large sized crane  
7 fleets. I would say conservatively these members own in  
8 excess of 500 mobile cranes. This regulation directly  
9 affects them, and that is why I'm here in Fresno today to  
10 testify.

11 As has been said, this regulation, there's been a  
12 lot of work done. And I want to take a moment and commend  
13 CARB staff Steve Cliff and Beth White. I want to really  
14 call them out and appreciate the work that they've done in  
15 providing two workshops. I mean, we've had a lot of  
16 meetings over the years. But on this proposed amendment,  
17 we've had two workshops in the state of California. We've  
18 also had some small group meetings.

19 And I appreciate the opportunity to express our  
20 concerns. While we may have disagreements, it always  
21 feels good to be able to get the issues out on the table  
22 and have an open discussion about them.

23 This regulation is very important. It's very --  
24 and I appreciate staff's work on it. I think the report  
25 calls out the differences between cranes, and trucks, and

1 buses, and even solid waste vehicles. They're very unique  
2 pieces of equipment, both in terms of configuration and in  
3 operation

4 Collectively, they have a very small footprint.  
5 But I will tell you that we share your mission in clean  
6 air in achieving cleaner air. The key is the balancing of  
7 interests and resources in accomplishing the goals, right?  
8 Success is truly a balance of where you allocate your  
9 resource to achieve maximum success.

10 These cranes provide a vital service to the  
11 California economy. And their ability to continue to  
12 operate both as a small fleet company, a medium-sized  
13 fleet company, or a large fleet company is very important  
14 to California and its industry.

15 Because you have different sized fleets, you have  
16 different impacts. But collectively, the implementation  
17 of this amendment as quickly as possible is important,  
18 because as staff has said, we have companies that are  
19 going into noncompliance because of the Lawson case.

20 I would suggest that because of this impact --  
21 the disproportionate impact on small- and medium-sized  
22 fleets, greater flexibility is required for them to have  
23 success in complying with the regulation.

24 Mr. Patti has brought up the notion of increasing  
25 the low use, low mileage exemption. And we would support

1 that, because it really helps the small and medium fleets.  
2 We would be happy to work with staff. If we can get the  
3 regulation passed, and continue to work with staff to  
4 accomplish success for all sized fleets.

5 Thank you.

6 CHAIR NICHOLS: Thank you.

7 MR. KONLE: My name is Mike Konle. I'm the owner  
8 of Champion Crane in Southern California. And the one  
9 size fits all is what our problem is here. And it was  
10 mentioned that the level playing field that all the crane  
11 companies would be on a level playing field. The larger  
12 crane companies have a greater advantage over the smaller  
13 crane companies because they have multi-state facilities,  
14 and they can move their older cranes out of California  
15 without any penalty to them at all.

16 It's really hard on the little guy that's only in  
17 California to replace the fleets and compare to a  
18 Peterbilt truck that costs \$150,000. Our cranes cost  
19 anywhere from \$750,000 to three or four or five million  
20 dollars a piece. And they have the same exact motor as a  
21 Peterbilt truck.

22 So the cost comparison to the advantage of  
23 cleaning up the air makes it a little tough on the small  
24 businesses like we have.

25 OSHA, when we're talking about the PM filters to



1 put on our on-road trucks, the -- OSHA will not allow us  
2 to. And I gave you guys a brochure that shows that OSHA  
3 won't allow us to change it unless the manufacturer  
4 approves it. And I've got letters from all the  
5 manufacturers saying they will not allow us to modify the  
6 crane because it will take the certification off of it.  
7 And with all the compliance regulations that we're up  
8 against, taking the certification away from the crane  
9 means that we can't use it.

10 So forcing the small crane owners to put PM  
11 filters on their cranes illegally is really a big hardship  
12 on us, because we have a choice of illegally putting the  
13 PM filter on the older cranes or selling it and getting it  
14 out of the state of California. That's our only two  
15 choice. And it's such an expensive operation. And the  
16 safety is one of our biggest issues. We're in a  
17 teeter-totter mode every day of tipping over, so we can't  
18 modify this crane in any way, shape, or form because it  
19 affects their certification.

20 So the unintended consequences of getting rid of  
21 all the little guys and making only the big guys left is  
22 the travel time. These cranes are hard to move. Travel  
23 time to the big companies are probably two or three hours  
24 from a job as opposed to me being 30 minutes from a job.  
25 The unintended consequences of losing the little guy is

1 going to cause more pollution than giving us a break in  
2 the travel time or -- I mean the minimum mileage that we  
3 can travel.

4           Twenty thousand miles would save us all. I had  
5 5,000 miles and I had to park my cranes for three months  
6 just to comply with the 5,000 miles. And I'm in a city  
7 area as opposed to some of these guys that are in the  
8 rural area.

9           Thank you.

10           CHAIR NICHOLS: Thank you.

11           MR. KRAZAN: Good afternoon. My name is Tom  
12 Krazan. And back in 2014, I got on a waiting list for  
13 drilling my well deeper. And my wife and I, we were  
14 already retired. And we went around and talked to a lot  
15 of the drillers, and everybody was behind anywhere from  
16 six months to two years. And I noticed that the industry  
17 was dominated by family-operated operations, in other  
18 words, everybody is pretty small. And I live in the  
19 general Fresno area here.

20           So I looked over -- talked to my wife and said,  
21 you know, why don't we take our retirement money and let's  
22 buy a drill rig. Looks like there's a good industry. And  
23 then in 2015, Brown then had the emergency drought  
24 declaration.

25           And to make a long story short, we made almost a

1 million dollars for just one truck. Of course, it takes  
2 other trucks to go and support all that. And then I  
3 brought in two partners. I got them to go and quit their  
4 jobs and join me in this dream. Okay.

5           And then I started attending some of the local  
6 association meetings, and I found out it's really pretty  
7 loose. There's not a good association group, even though  
8 they call themselves the California Groundwater  
9 Association. And then one day I found out about this  
10 thing called SB 1. And I read it a half a dozen times,  
11 and upside down, right side up, right side down. Because  
12 at first it's just a few sentences. But for me, it felt  
13 hard to understand, until I finally realized it was really  
14 telling me if I have very low use on my vehicle, I'm going  
15 to have to retire it in 18 years.

16           Now, last year, we only drove our drill rig,  
17 which is our center piece, we only drove it 600 miles.  
18 And if I calculate out at the end of 18 years, I'm going  
19 to have this almost million dollar piece of equipment, I'm  
20 going to have less than 20,000 miles on it. And I'm  
21 taking a look at an industry that's really struggling.

22           We're not very sophisticated. What I found out  
23 is I came from a different -- I'm also an engineer. I  
24 came from a -- kind of a different background, and I'm  
25 joining a bunch of blue collar people that work really

1 hard. A lot do not have a college education. A lot of  
2 them just look at their business as family owned. But  
3 we're beginning to see folks now becoming spooked not  
4 knowing what they can do with these expensive pieces of  
5 equipment that they're going to have to retire.

6           So we're similar to cranes. We have to raise it  
7 directly when we have towers and things like that. But if  
8 you take a look around the table, look at all the water  
9 bottles. Okay. Look at all the containers. You guys are  
10 drinking groundwater. I have to worry about the air too,  
11 but I have to worry about the groundwater also. We're in  
12 an area that that's our only water source. And you only  
13 have a small number of drilling companies -- in fact,  
14 within the Fresno market here, we only have 10, and most  
15 of us own one drill rig, as well as maybe some support  
16 vehicles. So statewide, we may have 1,000 drill rigs  
17 total.

18           So we impact groundwater hundred percent, and  
19 we're the only contractor, C57 contractors, allowed to  
20 drill to groundwater, whether it's for a city, whether  
21 it's for a private party, whether it's for a disadvantaged  
22 community.

23           And just to kind of share with you real quick  
24 before the red light pops on, a couple minutes ago my -- I  
25 stepped out, and my partner called me and said, hey, we

1 have a family here that can't afford a new bladder tank, a  
2 new pressure tank, what do we do? I said give it to them.

3 So we're here supporting the community as a  
4 private entity, and at the same time, we're, you know,  
5 acting a little bit like a nonprofit too. So anything  
6 that comes to mind that could maybe help our industry.  
7 Again, we're not well connected, but we really work hard.

8 Thank you so much.

9 CHAIR NICHOLS: Thanks.

10 MR. RUSHING: Rocky Rushing with Coalition for  
11 Clean Air. Coalition for Clean Air neither supports or  
12 opposes the proposed amendments. We understand the  
13 dynamics behind them. We understand the complications  
14 faced by the crane owners, operators, as expressed by  
15 Supervisor Patti from Stockton and others here today.  
16 Stockton being my home town, the cradle of my youth.

17 But despite that, home town bonding, CCA would  
18 ask the Board to go no further than the proposed  
19 amendments. Pump the brakes where staff has proposed.  
20 CCA believes, and I'm sure the Board and staff agrees,  
21 that there should be no reverse gear on California's clean  
22 air regulations.

23 Thank you so much.

24 CHAIR NICHOLS: People are inspired to want to  
25 get up and speak. And I don't want to close the hearing

1 prematurely, but please if you're planning to speak, could  
2 you go turn in a card right now. We just two new ones.

3 But Kevin Hamilton I think is next, unless Mr.  
4 Krazan is here.

5 Is Kevin here.

6 Okay. He may have left. All right. Then it  
7 would be Thomas Preston.

8 MR. PRESTON: All right. Number one of the  
9 inspired ones that I just popped in. So appreciate the  
10 time. I just want to start, appreciate -- get closer,  
11 okay. Appreciate the staff's immediate attention to the  
12 issue that kind of, you know, came up in 2018.

13 Speaking as a small business, owner that -- in  
14 the crane industry, this really does have that impact that  
15 the previous folks have talked about. And if we look at  
16 all the small and medium fleets out there in the state,  
17 they really do have that impact on the rural communities.  
18 It will affect the urban as well, but the rural is really  
19 the one that's impacted the most by it.

20 Kind of second what these guys have said, just  
21 looking for that exemption on the mileage to be extended  
22 to a larger number. Just allow us the opportunity to  
23 really get our fleet in line, but still continue to be a  
24 successful member of the state, community. And just a  
25 company that can be effective while meeting guidelines and

1 still moving towards the same goals.

2 CHAIR NICHOLS: Okay. Mr. Durdella.

3 MR. DURDELLA: Good day. My name is Todd. I own  
4 a small crane company in Southern California. I bought my  
5 crane company about eight years ago. And this issue would  
6 affect about a third of my fleet. It would cost me more  
7 to replace that third of my fleet with new compliant  
8 cranes than it did for me to buy the entire fleet upon  
9 purchase eight years ago.

10 I agree with the other gentlemen, I'd appreciate  
11 the 20,000 mile, or thereabouts, instead of the 1,000  
12 mile, because it allows me more time to generate the  
13 profit required to be able to replace the cranes in a  
14 timely manner.

15 Thank you for your time.

16 CHAIR NICHOLS: Thank you. And thanks for coming  
17 and sharing your specific story here.

18 I was joking about the last minute requests, but  
19 if there's anybody else who wants to speak on this item.  
20 If not, I'm going to close it off for the testimony and  
21 proceed to conversation among the Board.

22 Seeing none.

23 Okay. Let's then move on to -- to the situation  
24 at hand. So we have one very specific request for a  
25 change in the language that relates to the distance

1 exemption for small -- basically, low mileage -- low  
2 mileage, that's the word I was -- thank you.

3           And I think other folks are just experiencing  
4 different types of problems with accommodating to this  
5 rule, which is quite understandable, because it is  
6 challenging. However, we've been through this before with  
7 every other kind of truck and bus that seems like in the  
8 state. So it's now time to face up to it I guess with the  
9 it cranes.

10           So I guess the first question has to do with just  
11 what flexibility there would be at this stage in the  
12 proceeding? We're dealing with a response to a court  
13 action, some compliance deadlines. And anything that we  
14 did would have to be on a notice -- a 15-day notice to  
15 make further changes, unless we wait and bring it back the  
16 next time we look at this rule, which is also something  
17 that could happen.

18           So should we talk about just timing of all of  
19 this. I don't know who wants to respond. Jack. Mr.  
20 Kitowski.

21           MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:

22           Yes. This is Jack Kitowski. Yes. The way you  
23 characterize that is exactly right. There are a large  
24 number of fleets due to the lawsuit that are out of  
25 compliance now. And so any action this Board -- any



1 change from the proposal we had would require additional  
2 months that those vehicles would be out of compliance.

3 I think the main issue that was brought up was  
4 related to the low-use exemption, and where that threshold  
5 could be.

6 CHAIR NICHOLS: Right.

7 MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:

8 And I think the -- kind of the focus or the point  
9 that's worth mentioning when we went through this  
10 proposal, our desire, our driver was really to reinstate  
11 the 2014 amendments that were rescinded by the lawsuit.

12 CHAIR NICHOLS: Um-hmm.

13 MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:

14 And that 1,000 miles is consistent with those  
15 2014 amendments. So there are a number of fleets, over 50  
16 percent of the fleets, that have already taken action to  
17 either retrofit or replace consistent with the 2014  
18 amendments. And changing that now would create equity  
19 issues with those fleets as well. They're not all  
20 represented here. But you do see that balance that, you  
21 know, we were faced with as we were trying to come back to  
22 the Board. And what we fell back on was the consistency  
23 with the 2014 amendments that were already in place, and  
24 that equity with those -- the other fleets.

25 I think it's worth mentioning that from the data

1 we have, the average fleet mileage is about 10,000 miles,  
2 so -- for these cranes. They don't do a lot of mileage.  
3 So something even -- what we've heard most of the time a  
4 5,000 mile request. We've heard 20,000 miles here. That  
5 would be a big loophole in our view.

6 CHAIR NICHOLS: There would be very few people  
7 who wouldn't qualify for that is what you're saying.

8 MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:  
9 Correct.

10 CHAIR NICHOLS: Well, yeah, I guess -- sort of as  
11 a policy matter, I am sympathetic to the distinction  
12 between urban and rural as we were talking about earlier  
13 today. But the only place where I was just asking this  
14 question of Vice Chair Berg earlier, because I was -- I  
15 remember that, at some point, we had done something in a  
16 regulation that made a distinction between different areas  
17 of the state and the rules that would be applicable on  
18 mobile sources.

19 And I think we were concerned about logging  
20 trucks up in the far north area, where you had counties  
21 that were actually in compliance with the air quality  
22 regulations, but where they thought -- you know, where  
23 making them shift over was going to be prohibitively  
24 expensive. And we did -- we did acknowledge that in the  
25 regulations, but it was definitely not in a situation

1 where you were in an area that is violating the air  
2 quality standards and has the kinds of health problems  
3 that we've been hearing about. So that sort of changed my  
4 view about this situation.

5 Well, are there any other comments from Board  
6 members or questions of the staff about this?

7 Mrs. Berg.

8 VICE CHAIR BERG: So I do remember in 2014 we did  
9 have a lot of discussion on the amount of mileage that  
10 should qualify for low use. And there was -- there was  
11 discussion at the time should it be 5,000, should it be  
12 10,000? I know industry put out 20,000, but I don't think  
13 that was a serious consideration for the Board because of  
14 the impact of the pollution for that amount.

15 But even my recollection was is that the impacts,  
16 even at 5,000 and 10,000 were going to affect our ability  
17 for attaining the SIP. And do you have a recollection of  
18 that, Mr. Brasil?

19 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
20 CHIEF BRASIL: Yes, that's correct. Okay. That is  
21 correct. Tony Brasil, Branch Chief.

22 When we did the 2014 amendments, we did look at  
23 the 5,000 miles and we did actually, in the amendments,  
24 propose -- the Board approved a 5,000 mile exemption that  
25 expired in 2020, so that we would still have all 2010

1 engines for most of the trucks in the state to meet the  
2 2023 goal of getting the maximum emissions reductions to  
3 meet the 2024 SIP deadline. So it was a consideration.

4 Also, when we did our analysis here for this  
5 report, we also looked at what would happen if we gave a  
6 flat out exemption, that 20,000 mile limit would be a --  
7 effectively an exemption. Emissions would actually go up  
8 from cranes. It wouldn't go down over the next year,  
9 which would also present a CEQA challenge, in addition to  
10 not achieving the air quality reductions we need for  
11 meeting the SIP goals.

12 VICE CHAIR BERG: Well, and the crane industry  
13 wasn't the only industry. We had the moving industry also  
14 that was looking at their mileage, because they also don't  
15 drive. They drive every day, but not as far.

16 And so this has been a difficult issue for these  
17 smaller- and medium-sized industries that do attract a lot  
18 of small- and medium-size.

19 When we look at the proposal of what we're  
20 suggesting on slide 11, the phased in schedule, that is  
21 the same schedule you're saying that we did vote in 2014?

22 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
23 CHIEF BRASIL: That is correct. And that is in part to  
24 maintain the equity balance with all the fleet owners who  
25 have already made upgrades. So we've, in essence, kept

1 the proposal almost identical to the 2014 amendments.

2 VICE CHAIR BERG: And then --

3 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
4 CHIEF BRASIL: With a very few exceptions.

5 VICE CHAIR BERG: And then the optional model  
6 year schedule, that's new that you're bringing in. And  
7 how are you seeing that that optional schedule could  
8 benefit timing wise for industry, because it does seem  
9 pretty tight to me.

10 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
11 CHIEF BRASIL: It is. It's a -- one, it's a requirement  
12 of SB 1 that any amendments we make to a regulation or new  
13 regulations that there is this minimum useful life rule --  
14 associated with the vehicles. So those model year  
15 schedules do match that.

16 It will ultimately depend on the individual  
17 fleet. If somebody has one crane, it may, in fact, give  
18 them more time. It may not.

19 And so -- but it is an option there to make sure  
20 that we maintain consistency with the legal requirement.

21 VICE CHAIR BERG: Well, I am very sympathetic --  
22 oh, yes, Mr. Kitowski.

23 MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:  
24 I'd like to clarify on that, that the optional  
25 model year schedule is there only to provide additional

1 time. It doesn't pull time.

2 VICE CHAIR BERG: Okay.

3 MOBILE SOURCE CONTROL DIVISION CHIEF KITOWSKI:

4 It doesn't bring anything up. So it is -- it is  
5 providing that additional time in the few cases we think  
6 where there might be an overlap with the SB 1 requirements  
7 on minimum useful life.

8 VICE CHAIR BERG: So I am very sympathetic to  
9 what industry is facing and I have -- have 19 trucks that  
10 I've personally had to reinvest. And a lot of them came  
11 up at -- for renewal at the same time. Six trucks one  
12 year under the Truck and Bus Rule, 2010 models, that quite  
13 frankly didn't work as well. I had to work my way through  
14 that. So I am very sympathetic.

15 The problem that I have is that trying to change  
16 things at this point in time, we have found that it does  
17 create this inequity to what we've put out to the rest of  
18 the industry. And so I'm just quite frankly, Madam Chair,  
19 not sure where else we can help today. But is there  
20 something that staff could think about that we should  
21 consider or --

22 CHAIR NICHOLS: Well --

23 VICE CHAIR BERG: What would our recommendation  
24 be?

25 CHAIR NICHOLS: I was concerned by the comment

1 that there are already fleets that are out of compliance.  
2 That doesn't make me feel good. It makes me irritated, if  
3 not worried, because what are we going to do about these  
4 people? I mean, are we just going to like decide  
5 objectively that we don't think we can enforce the rules  
6 and create an amnesty for a while, or --

7 VICE CHAIR BERG: So the out of compliance  
8 though, these are people that got an exemption because of  
9 the safety rules. So I didn't get the impression that  
10 they were --

11 CHAIR NICHOLS: I don't think that's -- that  
12 wasn't what I heard.

13 VICE CHAIR BERG: Okay.

14 CHAIR NICHOLS: Maybe I need clarification of  
15 what that comment was.

16 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
17 CHIEF BRASIL: This is Tony again. I think if I can  
18 describe it, it's as of last year, most of these fleets  
19 were compliant with what they believe the regulation  
20 required, which reflected the 2014 amendments. So if ten  
21 percent of the cranes in the fleet had a 2010 engine, they  
22 were compliant. Because of the lawsuit, that just changed  
23 over night.

24 VICE CHAIR BERG: Okay.

25 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH

1 CHIEF BRASIL: And so now these cranes that were in a  
2 fleet that complied, technically do not comply with Truck  
3 and Bus Regulation.

4 VICE CHAIR BERG: I said it was driven by the law  
5 suit --

6 CHAIR NICHOLS: By the lawsuit, yes.

7 VICE CHAIR BERG: -- not because people are  
8 choosing not to comply.

9 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
10 CHIEF BRASIL: By the lawsuit.

11 CHAIR NICHOLS: Okay. I understand.

12 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
13 CHIEF BRASIL: Yeah. And this is why we're kind of  
14 bringing this in relatively short order. It is roughly  
15 four months ago we determined that this is the way we  
16 could address it.

17 CHAIR NICHOLS: Yeah. There will be --

18 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
19 CHIEF BRASIL: Reinstate the flexibility. Otherwise, they  
20 are out of compliance. They'll have to take action. And  
21 then there's overlap with the lawsuit and enforcing our  
22 regulation, of course, is something that's a balance we  
23 have to make.

24 CHAIR NICHOLS: Supervisor, you feel compelled to  
25 say something here.



1           SAN JOAQUIN COUNTY SUPERVISOR PATTI: No, just.  
2 There was a question. So if we can answer anything, we  
3 are here. If it didn't work in 2014, our equipment hasn't  
4 magically repaired, or fixed itself, nor run its  
5 lifecycle. Remember, it's not just the truck, it's  
6 equipment that's worth hundreds of thousands of dollars.  
7 And there's some of us that able to get More compliant  
8 than others. There's big companies that can absorb this  
9 and move on and get new equipment. Every couple years,  
10 they automatically buy new equipment, so they can say  
11 absolutely they are compliant.

12           And the only thing that we're asking for that  
13 exemption doesn't mean if you give us 20,000 miles, it  
14 doesn't mean we're going to do 20,000 miles. There's some  
15 in rural areas that may do 12,000 miles. I might do  
16 18,000 miles, but -- and then some people might do 4,000  
17 miles. So that's just the -- that's why we ask for that  
18 20,000. It doesn't mean we're going to go out driving up  
19 and down the state of California just to get it to our  
20 20,000 miles. We don't enjoy polluting.

21           We are in the service of others, on call, as  
22 needed. And when a service happens, it's urgent. We have  
23 to comply -- we have to and reply and give service,  
24 otherwise we're out of business. If you restrict that  
25 because of these mandates, because the miles, or because

1 we're not compliant with all buying that new equipment, we  
2 can't buy that new equipment. I don't have 1.2 million.  
3 And we're not asking you today to find us the funding in  
4 Sacramento to offset.

5 Give us 90 percent of the money, we'll buy the  
6 new fleet. No problem. Absolutely. I will buy it. Give  
7 us that 90 percent of the money. It's not there.

8 CHAIR NICHOLS: Right.

9 SAN JOAQUIN COUNTY SUPERVISOR PATTI: Twenty  
10 thousand miles gives us an exemption, gives us a life line  
11 that in the next five, six, eight years, we're  
12 automatically going to be there guys. If it didn't work  
13 in 2014, it's not working in 2019. Our cranes aren't  
14 magically different. They still have a life.

15 CHAIR NICHOLS: Yeah. Understood.

16 SAN JOAQUIN COUNTY SUPERVISOR PATTI: Thank you.

17 CHAIR NICHOLS: Okay. Thank you. I understand  
18 why you're successful in running for office.

19 (Laughter.)

20 CHAIR NICHOLS: Very eloquent. Yes.

21 Mr. De La Torre.

22 BOARD MEMBER DE LA TORRE: So on the Truck and  
23 Bus Rule, as many of you know --

24 CHAIR NICHOLS: Yes.

25 BOARD MEMBER DE LA TORRE: -- I was not

1 supportive of doing an extension them. I'm not supportive  
2 of doing an extension in any way now. There are people  
3 who have been in good faith keeping up with the regs. And  
4 the only thing that changed was the lawsuit, which was  
5 recent. The 2014 rules were in effect for all that time.

6 So, to me, it is very similar to that Truck and  
7 Bus Rule, where we had given an extension, and then that  
8 extension was running out, and then the Board decided to  
9 give another extension. I was not supportive of that.

10 I'm not supportive of changing the rules that  
11 have been in effect since 2014, because the only thing  
12 that's changed is the lawsuit that was actually on the  
13 other side. It was more aggressive, not less.

14 So going back to the 2014 structure makes sense.  
15 The one thing I wanted to say, which I talked to staff  
16 about, was the mileage versus utilization. Clearly, these  
17 vehicles get driven somewhere, and they are parked for  
18 sometimes a significant amount of time, which is why they  
19 have low mileage.

20 CHAIR NICHOLS: Right.

21 BOARD MEMBER DE LA TORRE: And they are working,  
22 meaning their engines are running, even though they're not  
23 moving for that whole period of time. So to -- no, that's  
24 not the case.

25 SAN JOAQUIN COUNTY SUPERVISOR PATTI: That's not

1 true.

2 BOARD MEMBER DE LA TORRE: That doesn't --

3 CHAIR NICHOLS: Hold it. Hold it. The court  
4 report has to actually report what's said from the  
5 microphone.

6 BOARD MEMBER DE LA TORRE: Somebody -- somebody.  
7 The fleet. Well, staff what's the -- what's the  
8 breakdown --

9 CHAIR NICHOLS: Thanks. We'll just let the staff  
10 cover it here.

11 BOARD MEMBER DE LA TORRE: -- roughly of mileage  
12 verse -- of vehicles that have an engine that runs when  
13 it's parked and doing its thing.

14 We talked about this in my briefing.

15 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
16 CHIEF BRASIL: I don't recall the numbers right now. But  
17 it is true that the miles would represent a relatively  
18 small portion of the total operation. I know we have --  
19 in the staff report, we've identified about how many hours  
20 they operate a year.

21 BOARD MEMBER DE LA TORRE: So to me that's the  
22 important number. It's one or the other or a combination  
23 of both. And so that's where we should be looking at is  
24 not just on the mileage but how much is this thing on and  
25 polluting? And that's what we need to base our --

1 CHAIR NICHOLS: I was just about to say -- not to  
2 interrupt. I apologize.

3 BOARD MEMBER DE LA TORRE: Yeah. That was it.

4 CHAIR NICHOLS: It's important to remember that  
5 the reason why we're here is because we've tried to do  
6 something for this particular category of vehicles. Years  
7 ago we thought they should be carved out for a special  
8 treatment, and we were sued by competitors essentially,  
9 others from the trucking industry, and we lost.

10 So we're back here now trying to find a way to  
11 help these folks in a situation where we've already been  
12 told that there's certain things we can't do that would  
13 represent discrimination or some form of improper conduct  
14 by us.

15 So I realize that's a difficult position to be  
16 in, and we're not happy about it either, but that's where  
17 we are. So I don't know that there's anything more to add  
18 at this point.

19 MR. KONLE: Can I respond to the amount of  
20 mileage that's used going down the road and the amount of  
21 engine that's used when it's on the job?

22 The engine going down the road is a fairly good  
23 sized engine, but when it gets to the job site, it barely  
24 gets over an idle. So the work that the engine does on  
25 the road is 90 percent of its workload during the day.

1 Ten percent would probably be the fuel burned on the job  
2 site, because it's at an idle 99 percent of the time on  
3 the job site.

4 Thank you.

5 CHAIR NICHOLS: Thank you. I'm technically going  
6 to rule this out of order, because I had already closed  
7 the public comment portion of this hearing. I apologize  
8 for everybody. It's been a little bit loose, but we  
9 understand that people feel strongly and have something to  
10 contribute to the conversation.

11 So I think we're going to just have to bite the  
12 bullet so to speak.

13 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
14 CHIEF BRASIL: I can actually identify the hours that we  
15 actually have data on.

16 CHAIR NICHOLS: Okay.

17 MSCD TRANSPORTATION AND CLEAN TECHNOLOGY BRANCH  
18 CHIEF BRASIL: So we do have in the staff report that on  
19 average for year, a crane will do about 676 hours a year,  
20 most of that being stationary. So that's relatively --  
21 relatively a lot. And the Truck and Bus Regulation today  
22 does have a 100-hour limit too, plus the 1,000 mile limit.

23 And so here we're proposing to not put an hour  
24 limit to provide the flexibility, which is consistent with  
25 the 2014 amendments.

1 CHAIR NICHOLS: Okay. Thank you.

2 All right. So I guess we should proceed on  
3 the -- on the resolution that is before us then.

4 Do I have a motion and a second?

5 BOARD MEMBER DE LA TORRE: I'll move it.

6 CHAIR NICHOLS: Thank you.

7 BOARD MEMBER SERNA: Second.

8 CHAIR NICHOLS: And a second.

9 All those in favor, please say aye?

10 (Unanimous aye vote.)

11 CHAIR NICHOLS: Opposed?

12 Abstentions?

13 Okay. Thanks all for your participation.

14 I'm sorry, we weren't able to accommodate all the  
15 requests that people had for changes. But I would say  
16 that our staff with other rules has been pretty good about  
17 working with industries on a case-by-case basis. I know  
18 Vice Chair Berg personally has been involved in some of  
19 these situations with individuals who had questions, or  
20 issues, or concerns about how to come into compliance.  
21 And she has once again volunteered her good offices to  
22 assist staff in this regard. And we hope that people will  
23 take advantage of that.

24 So thank you. We will take a break and come back  
25 at 1:15

(Off record: 12:38 p.m.)

(Thereupon a lunch break was taken.)

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1                   A F T E R N O O N   S E S S I O N

2                   (On record: 1:21 p.m.)

3                   CHAIR NICHOLS: Good afternoon ladies and  
4 gentlemen. We're about to resume after the lunch break.

5                   (Laughter.)

6                   CHAIR NICHOLS: Okay. There's something about  
7 this place that just brings out the goof in all of us, I  
8 guess, at least me.

9                   Welcome back, everybody. We are now on to our  
10 final item of the agenda, which is a report from the  
11 Executive Officer to talk about the Board's program  
12 priorities for 2019. And no action is called for on this  
13 on the part of the Board, but it's here because Mr. Corey  
14 wants our input. He wants our support and a discussion, I  
15 think, about what's in the document. We will take public  
16 comment, I guess, if anybody wants to comment from the  
17 audience.

18                   And with that, Mr. Corey, take it away.

19                   EXECUTIVE OFFICER COREY:

20                   (Thereupon an overhead presentation was  
21 presented as follows.)

22                   EXECUTIVE OFFICER COREY: Thanks, Chair.

23                   So what I'm going to do for closing out today's  
24 board meeting is highlighting our accomplishments, really  
25 the Agency and the Board's, in 2018, as well as this

1 year's priorities going forward. So really two key  
2 elements reflected in my remarks.

3 --o0o--

4 EXECUTIVE OFFICER COREY: So first I'd like to  
5 begin though the presentation by taking a moment to  
6 welcome Governor Newsom and CalEPA Secretary Jared  
7 Blumenfeld. Really looking forward to working with the  
8 Governor and the Secretary to continue the important work  
9 of fighting climate change and providing clean air for all  
10 Californians.

11 --o0o--

12 EXECUTIVE OFFICER COREY: CARB had a number of  
13 groundbreaking accomplishments in 2018 that we should all  
14 be really proud of. Launching the AB 617 Community  
15 Protection Program in one year was a great success. But  
16 as everyone of you know, we have a lot more to do to  
17 implement this program. Greenhouse gas emissions fell  
18 below their 2020 target four years ahead of schedule. And  
19 we made significant progress on zero-emission  
20 technologies. We enhanced our actions on climate change  
21 and adopted an important criteria pollutant and toxics  
22 emission reporting regulation.

23 And in 2019, we'll continue to implement AB 617.  
24 We'll also work hard toward meeting the ambitious goal of  
25 statewide carbon neutrality. We'll continue to act on the

1 climate change scoping plan and our State Implementation  
2 Plan as discussed today. We'll also develop a more  
3 holistic approach to transportation, which is a necessary  
4 component of meeting our ambitious goals. And finally,  
5 we'll continue to strengthen our collaboration with other  
6 states and nations.

7 --o0o--

8 EXECUTIVE OFFICER COREY: Now, I have -- now,  
9 I've given you some of the highlights. What I'd like to  
10 do is breakdown how we move forward in this conversation  
11 with -- really according to four broad themes: focusing  
12 on communities, acting on climate change, advancing clean  
13 transportation, and collaborating with our partners.

14 --o0o--

15 EXECUTIVE OFFICER COREY: The first thing we'll  
16 talk about is focusing on communities.

17 --o0o--

18 EXECUTIVE OFFICER COREY: Last year, the Board  
19 approved the landmark *Community Air Protection Blueprint*,  
20 which outlines CARB's process for identifying impacted  
21 communities and criteria for development of community  
22 emission reduction programs and air monitoring. The Board  
23 also identified the first set of communities that will be  
24 subject to this framework.

25 --o0o--

1 EXECUTIVE OFFICER COREY: The Legislature has  
2 appropriated significant funds to be investigated -- or  
3 rather, invested in communities. CARB's 2018-19 incentive  
4 budget is on the order of one billion. And CARB is  
5 targeting these funds at impacted areas. CARB awarded ten  
6 million in community air grants to 28 different community  
7 groups to support their participation in AB 617 process.

8 And in 2018, the Board also approved 423 million  
9 Volkswagen Environmental Mitigation Trust for which we're  
10 working with the air districts to implement. Our  
11 investments extended well beyond financial resources.  
12 We've also been focusing on more effective ways of  
13 engaging communities.

14 --o0o--

15 EXECUTIVE OFFICER COREY: Environmental justice  
16 was central to our -- to our community work. Veronica and  
17 her team worked to increase transparency, accessibility,  
18 and relationship building throughout the policy  
19 development process, including attending every AB 617  
20 community steering committee meeting.

21 New forms of community outreach were pioneered.  
22 For example, CARB member De La Torre has worked with our  
23 EJ team to facilitate dialogue between CARB's Executive  
24 Office and environmental justice communities.

25 --o0o--

1 EXECUTIVE OFFICER COREY: We've also focused on  
2 providing communities with more accessible transparent and  
3 actionable air quality information. Last year, we updated  
4 our pollution mapping tool to include greenhouse gases,  
5 criteria, and toxic pollutant emissions data for every  
6 facility subject to mandatory reporting of GHG emissions.  
7 Now, community members can see how much facilities and  
8 their communities emit.

9 Our data collection efforts were also enhanced.  
10 In December, the Board adopted the regulation for  
11 reporting of criteria air pollutants and toxic air  
12 contaminants. This regulation will further support  
13 community level information as well as action.

14 --o0o--

15 EXECUTIVE OFFICER COREY: For this year, it's  
16 important to keep the momentum with implementing the  
17 Community Protection Program. This means developing  
18 reduction targets, emission reduction measures,  
19 implementation schedules, and enforcement plans. Staff  
20 will provide regular progress reports to the Board.

21 We'll also prioritize spending incentive funds  
22 that were appropriated. In addition, we're working with  
23 the air districts to develop programs for the Volkswagen  
24 Environmental Mitigation Trust and expect these funds to  
25 be hitting the streets shortly.

1           Finally, the Board will consider additional  
2 communities for selection based on the priorities  
3 discussed last year. The Board will also consider  
4 emission reduction measures under the Community Protection  
5 Program

6                           --o0o--

7           EXECUTIVE OFFICER COREY: This year, we'll  
8 continue to explore new ways to work with community --  
9 communities to ground-truth established inventories.  
10 We're also collaborating with local community groups to  
11 use automated license plate readers to better characterize  
12 vehicle fleet mix and activity in their communities.

13           This year, we'll also launch a new statewide  
14 community air monitoring data portal, a comprehensive data  
15 repository and web tool that allows for meaningful and  
16 easy interpretation of community air data.

17           Later this year, the Board will hear amendments  
18 to the air toxics hot spots emissions inventory regulation  
19 that will strengthen our toxics inventory.

20                           --o0o--

21           EXECUTIVE OFFICER COREY: I'd now -- now, I'm  
22 going to switch gears to the next theme, which is acting  
23 on climate change.

24                           --o0o--

25           EXECUTIVE OFFICER COREY: A major accomplishment

1 from the last year was that California's 2016 GHG  
2 emissions fell below the 2020 target called for under AB  
3 32, while the climate -- or rather economy continued to  
4 grow. This really underscores that economic vitality and  
5 climate action can go hand in hand.

6 --o0o--

7 EXECUTIVE OFFICER COREY: The need to act on  
8 climate change is greater than ever. Last year, the  
9 Intergovernmental Panel on Climate Change released a  
10 special report predicting higher damages at lower global  
11 warming temperatures than previously expected.

12 IPCC report called for carbon neutrality by 2040  
13 through 2045 to keep temperature rise to 1.5 degrees  
14 centigrade or lower. Unfortunately, California is already  
15 seeing the consequences of climate change. The wildfires  
16 of 2018 were California's most destructive season on  
17 record. 1.8 million acres burned costing the State over  
18 four billion in damages and fire suppression and releasing  
19 about 50 million tons of carbon dioxide equivalent in the  
20 atmosphere. The Carr and Camp Fires tragically claimed 93  
21 lives.

22 --o0o--

23 EXECUTIVE OFFICER COREY: So what can we do?  
24 Acting on climate change is just one part of a  
25 broader effort to mitigate wildfires in California. On

1 his first day in office Governor Newsom signed a series of  
2 executive actions aimed at wildfire protection. The  
3 Governor's proposed budget includes a 105 million increase  
4 in wildfire safety funding, in addition to the 200 million  
5 approved by the Legislature in 2018.

6 And pursuant to SB 1260, we're also working with  
7 CalFire, in coordination with local air districts, to  
8 develop a program to enhance air quality and smoke  
9 monitoring and provide a public awareness campaign  
10 regarding prescribed burns.

11 In coordination with our agency partners, we  
12 recently published a draft *Natural and Working Lands*  
13 *Climate Change Implementation Plan*. This plan is aimed at  
14 coordinating the State's programs to improve conservation,  
15 restoration, and management of California's natural and  
16 working lands to meet our long-term climate objectives.

17 --o0o--

18 EXECUTIVE OFFICER COREY: And despite a federal  
19 administration that is increasingly hostile to  
20 environmental regulation, CARB continued to move forward  
21 in reducing greenhouse gas emissions, criteria and toxic  
22 pollutants.

23 Last year, the Board adopted a more ambitious Low  
24 Carbon Fuel Standard doubling the stringency of the  
25 program by 2030. The Cap-and-Trade program achieved 100



1 percent compliance rate. We also completed a major  
2 rulemaking to align with the legislation direction in AB  
3 398, as well as Board direction for the Cap-and-Trade  
4 Program.

5 We worked with our sister agencies and the  
6 research community to better understand how much carbon is  
7 sequestered in plants and soils throughout the state. The  
8 effort culminated in publishing the first edition of the  
9 Natural and Working Lands Inventory for all lands in  
10 California. It's the first of its kind in the United  
11 States.

12 And after a court ruling struck down significant  
13 portions of the United States Environmental Protection  
14 Agency's Significant New Alternatives Program to reduce  
15 HFC emissions, or hydrofluorocarbons, refrigerants, CARB  
16 began rulemakings to re-erect the program at the State  
17 level.

18 --o0o--

19 EXECUTIVE OFFICER COREY: And on an international  
20 level, we collaborated with our partners on climate  
21 change. We co-hosted the Global Climate Action Summit,  
22 which generated over 500 commitments to international  
23 climate action. We co-chaired the United States Climate  
24 Alliance and America's Pledge. We continued  
25 implementation of over 50 partnership agreements and

1 memorandums of understanding with international  
2 jurisdiction.

3           And in a notable example of international  
4 collaboration, we assisted Canada with the design of the  
5 Clean Fuel Standard, a program similar to California's Low  
6 Carbon Fuel Standard.

7                           --o0o--

8           EXECUTIVE OFFICER COREY: This year, we'll be  
9 working toward a statewide goal of carbon neutrality by  
10 2045. Carbon neutrality means any GHG emissions are  
11 balanced with equal or greater sequestration of carbon.

12           And as I mentioned a few slides ago, the 2018  
13 IPCC report stated that it will be necessary to achieve  
14 global carbon neutrality in that same time frame in order  
15 to keep temperature increases below 1.5 degrees C.

16           To achieve carbon neutrality, we'll need to  
17 further decarbonize our mobile fossil energy and industry  
18 sectors, while taking action to maximize the potential for  
19 sequestration in our natural and working lands.

20           As part of approve -- as part of approving  
21 amendments to the Low Carbon Fuel Standard regulation in  
22 2018, the Board acknowledged stakeholder concerns about  
23 cost containment features of the program and directed the  
24 Executive Officer to propose technical adjustments if  
25 needed.

1           This year, we'll continue to address short-lived  
2 climate pollutants. Last month, the Dairy Livestock GHG  
3 Reduction Working Group presented final recommendations  
4 for how the State can address the challenges and barriers  
5 to meeting methane emission reductions from dairy and  
6 livestock operations. Staff will present an update to the  
7 Board next month.

8           This year, staff will also provide the Board with  
9 an update on the implementation status of the scoping  
10 plan, and bring for Board consideration regulations  
11 related to fuel cell net energy metering and sulfur  
12 hexafluoride gas-insulated switchgear.

13                               --o0o--

14           EXECUTIVE OFFICER COREY: A key element of  
15 reducing GHG emissions is clean transportation. I'll be  
16 breaking this part of the presentation down into four  
17 sections: cars, trucks, freight, and sustainable  
18 transportation.

19                               --o0o--

20           EXECUTIVE OFFICER COREY: Between December of  
21 2010 and December of 2018, more than 537,000 electric cars  
22 were purchased or leased in California. In 2018 alone,  
23 CARB approved over 70,000 rebates to promote the purchase  
24 of electric vehicles. CARB was also instrumental in  
25 advancing building standards for electric vehicle charging

1 in multi-family housing.

2 CARB's scrap and replace programs have helped  
3 replace over 3,700 old cars with new cleaner vehicles,  
4 targeting low-income customers. CARB also promoted  
5 several equity pilot projects, such as agricultural work  
6 vanpooling, rural school buses, and statewide financing  
7 assistance for low-income consumers.

8 --o0o--

9 EXECUTIVE OFFICER COREY: This coming year, we'll  
10 continue to develop Advanced Clean Cars II, really as we  
11 look at the next generation of the cleanest zero-emission  
12 vehicles.

13 New to 2019 will be a focus on fleet emissions.  
14 SB 1014 -- with SB 1014 we'll be researching GHG emissions  
15 from ride-hailing services and proposing regulations to  
16 reduce these emissions. We'll also take a look -- a  
17 closer look at autonomous vehicles and we'll be  
18 incorporating the State's new autonomous vehicle policy  
19 principles in that work.

20 And in 2019, the Board will consider electric  
21 vehicle charging open access regulations, as well as the  
22 2019-20 funding plan for Low Carbon Transportation and Air  
23 Quality Improvement Program.

24 --o0o--

25 EXECUTIVE OFFICER COREY: Ensuring trucks remain

1 clean throughout their useful life, CARB was instrumental  
2 in a nationwide voluntary recall of half a million  
3 heavy-duty trucks manufactured by Cummins. These trucks  
4 are recalled due to excess emissions caused by defective  
5 catalysts, which were discovered as part of CARB's new  
6 Heavy-Duty In-Use Compliance Program.

7 Last year, the Board approved a number of  
8 regulations related to heavy-duty vehicles. These  
9 included the phase 2 GHG standards and amendments to the  
10 Tractor-Trailer GHG Regulation, as well as the Innovative  
11 Clean Transit Regulation, which marked a key step toward  
12 meeting CARB's long-term vision of achieving a zero  
13 emission transit system by 2040.

14 Last year, CARB enhanced truck and bus  
15 enforcement leading to the implementation of SB 1, which  
16 ties truck regula -- registration in California to  
17 compliance with the Truck and Bus Regulation beginning in  
18 2020.

19 --o0o--

20 EXECUTIVE OFFICER COREY: This year, we'll  
21 continue to clean up the truck fleet. CARB will develop a  
22 heavy-duty low oxides of nitrogen truck standard. Staff  
23 plans to present the heavy-duty omnibus NOx regulation to  
24 the Board by early 2020. We'll also work on assessing  
25 fleets rules that would require zero-emission car and

1 zero-emission truck purchases.

2 CARB staff will also propose a zero-emission  
3 truck manufacturer requirement that would phase in  
4 zero-emission trucks from 2024 through 2030, as well as  
5 propose zero-emission airport shuttles, and emission  
6 powertrain certification.

7 --o0o--

8 EXECUTIVE OFFICER COREY: Last year, we leveraged  
9 CARB funds and public and private investments to award 415  
10 million to freight projects in disadvantaged communities.  
11 CARB also submitted formal written comments on ten  
12 proposed freight projects.

13 --o0o--

14 EXECUTIVE OFFICER COREY: To continue reducing  
15 freight's impact in communities, CARB will develop a  
16 freight handbook that identifies best practices for  
17 freight facilities to minimize community exposures to air  
18 pollution, incorporate the uses of zero-emission  
19 technologies, install any needed fuel charging  
20 infrastructure, and maximize the capacity of freight  
21 transportation infrastructure.

22 This handbook will serve as a resource for local  
23 decision makers, community advocates, developers, and lead  
24 agencies for environmental review and analysis. We plan  
25 to present the first module, the freight handbook, on

1 warehouses and distribution centers to the Board later  
2 this year.

3 We're also planning to propose regulatory  
4 amendments to further reduce emissions from ships at  
5 berth. And CARB will develop 2020 reg amendments  
6 transition transport refrigeration units - refrigeration  
7 units on truck trailers - to zero emission operation and  
8 to achieve additional reductions from commercial harbor  
9 craft.

10 --o0o--

11 EXECUTIVE OFFICER COREY: At the Board's  
12 direction, CARB focused on adjustments to SB 375  
13 implementation. These changes include an emphasis on the  
14 land use and transportation strategies that underpin  
15 Sustainable Communities Strategies and a need to increase  
16 transparency and accountability of SCSs.

17 Recognizing the importance of monitoring and  
18 reporting on metrics in the SCS's, the Legislature tasked  
19 CARB with issuing a report every four years analyzing the  
20 progress made under SB 375.

21 At the end of last year, CARB published the first  
22 *Sustainable Communities Progress Report*. This report  
23 analyzed the progress made toward meeting the GHG  
24 reduction target and included data-supported metrics for  
25 SCSs as well as discussion of best practices and

1 challenges.

2 --o0o--

3 EXECUTIVE OFFICER COREY: And in response to the  
4 adjustments I just described, CARB staff are updating the  
5 *SCS Program and Evaluation Guidelines*. These guidelines  
6 will outline how CARB will increase transparency and  
7 strategies in the SCSs, future tracking of the  
8 on-the-ground implementation, assessment of how MPOs will  
9 do more in their next plans, and how regions are  
10 conducting equity analyses as part of their SCS  
11 development.

12 Staff released a draft version of the guidelines  
13 in December and are currently soliciting comments. We'll  
14 also hold a Board hearing this year to discuss the  
15 Sustainable Communities Progress report.

16 This year we'll continue our joint meetings with  
17 the California Transportation Commission to coordinate on  
18 achieving California's transportation and air quality  
19 goals. CARB will also work with the University of  
20 California Institute of Transportation Studies and the  
21 California Transportation Commission to hold a series of  
22 roundtable discussions on the introduction and transition  
23 to shared, automated, electric, and connected mobility.

24 The purpose of these roundtables is to gather  
25 input from leaders from the public and private sectors to



1 develop a plan for State policy needs to guide these  
2 innovations. These mobility roundtables are the result of  
3 Dr. Sperling's offer to help advance discussions in this  
4 space.

5 --o0o--

6 EXECUTIVE OFFICER COREY: As our *Sustainable*  
7 *Communities Progress Report* highlighted, meeting CARB's  
8 climate goals will require significant changes that  
9 address the interconnected relationship of land use,  
10 housing, economic and workforce development,  
11 transportation investments, and travel choices.

12 This year, CARB will focus on transitioning to  
13 this holistic approach to sustainable transportation. We  
14 plan on discussing this topic in much more detail at  
15 future hearings.

16 --o0o--

17 EXECUTIVE OFFICER COREY: CARB is pursuing a  
18 reorganization that will reflect our evolving approach to  
19 sustainable transportation. CARB's new Sustainable  
20 Transportation and Communities Division will consolidate  
21 light-duty regulatory programs, climate investment  
22 programs, passenger and freight transportation, and  
23 land-use planning.

24 The reorganization will also split the Emissions  
25 Compliance, Automotive Regulations and Science Division

1 into two divisions to accommodate a growing corrective  
2 action case load and organize our programs in a way that  
3 are more aligned and efficient.

4 --o0o--

5 EXECUTIVE OFFICER COREY: Finally, collaborating  
6 with our partners across the nations and the world is key  
7 to our success.

8 --o0o--

9 EXECUTIVE OFFICER COREY: In 2018, our contractor  
10 began construction on the new emissions testing and  
11 research facility in Southern California. In 2018, an art  
12 consultant was selected through a competitive process to  
13 develop the public art program for the Southern California  
14 consolidation project. Our art consultant worked with the  
15 art committee, which Chair Nichols is a member, through  
16 the adoption of a public art plan, the commissioning of  
17 six permanent public art works, and a program that  
18 supports community engagement and outreach through the  
19 arts. The public art program, once completed, will house  
20 the largest collection of permanent public art works  
21 addressing air quality and the impacts of climate change  
22 worldwide. Anticipate -- our anticipated move-in date is  
23 early 2021.

24 --o0o--

25 EXECUTIVE OFFICER COREY: I now have a short

1 video -- we have a short video to -- with some drone  
2 footage to give you a better sense of the progress that's  
3 been made on the ground at our new facility.

4 (Thereupon a video was played.)

5 --o0o--

6 EXECUTIVE OFFICER COREY: I would have a chosen a  
7 different tune, but, you know, it's okay. A lot of  
8 progress. Impressive.

9 (Laughter.)

10 EXECUTIVE OFFICER COREY: So as I wrap up here, a  
11 few more points. We continued to challenge the federal  
12 administration's efforts to abandon environmental  
13 progress. CARB has actively challenged federal rollbacks  
14 in each of the cases listed on this slide. In some cases,  
15 we worked with California Office of the Attorney General  
16 to file suit. CARB has supported other states in  
17 litigation, submitted formal comments on regulatory  
18 proceedings, and in some cases adopted its own rulemaking  
19 to ensure environmental regulations remain in tact. These  
20 efforts will continue to be a priority for us in 2019.

21 --o0o--

22 EXECUTIVE OFFICER COREY: Last year, CARB  
23 collaborated with leaders from around the world. We  
24 sponsored the Air Sensors International Conference where  
25 leaders from 15 countries and 16 states met to collaborate

1 on the latest air sensor technologies.

2           Next week, CARB will host the California  
3 Bioresources Economy Summit where leaders will explore how  
4 to best address organic waste from the state's forest,  
5 agriculture, and urban sectors.

6           Finally, last year, we took the first steps  
7 towards launching California's satellite by signing a  
8 statement of intent with Planet, a satellite imagery  
9 startup.

10                           --o0o--

11           EXECUTIVE OFFICER COREY: So on behalf of all of  
12 CARB's amazing executive and staff team, I'd like to  
13 personally thank all the members of the Board for its  
14 leadership. Your wisdom, guidance, expertise, advocacy  
15 and decisiveness is invaluable to CARB's continuing  
16 success, and we've had a lot of it.

17           Some notable examples from this year include Dr.  
18 Balmes consultation on the AB 617 group, Board Member De  
19 La Torre's work with the environmental justice  
20 communities, Vice Chair Berg's works to support linking  
21 the Low Carbon Fuel Standard with efforts to expedite our  
22 transition to electric vehicles, and the Board's guidance  
23 on the 2018 sustainable communities progress report, and  
24 certainly many more I haven't called out.

25           So thank you again, and I look very forward,

1 myself and our team, in terms of working forward with you  
2 on the challenges in front of us. Thank you.

3 CHAIR NICHOLS: Thank you.

4 That was great.

5 EXECUTIVE OFFICER COREY: We're going to be  
6 busy. I that, if anything, that's kind of the subtext  
7 here. And I did hear, in fact, one point, Chair, that you  
8 made on the San Joaquin SIP recognizing how key  
9 implementation was going to be. I heard though you gave  
10 us the weekend off, which was all good.

11 (Laughter.)

12 EXECUTIVE OFFICER COREY: So it was like  
13 implementation will begin Monday. So that's good.

14 BOARD MEMBER BALMES: May I say something?

15 CHAIR NICHOLS: Yes, please.

16 BOARD MEMBER BALMES: I just want to take this  
17 opportunity to thank Richard for his leadership of the  
18 agency. I think it's -- you have contributed a lot to  
19 making the past year a big success. You know, you have a  
20 great set of colleagues, some of whom you've recruited to  
21 leadership positions. And I look forward to trying to  
22 achieve everything you've laid out for next year. But  
23 basically, I want to thank all of our leadership.

24 CHAIR NICHOLS: Good. Could make that unanimous.  
25 Absolutely. Thank you for that.

1 Yes.

2 BOARD MEMBER GIOIA: Thanks for the summary. I  
3 just had a question. So what's the timing of when during  
4 2019 the freight handbook will be out? How is that going?

5 EXECUTIVE OFFICER COREY: Supervisor, the target  
6 is -- that's the fall, because --

7 BOARD MEMBER GIOIA: In the fall.

8 EXECUTIVE OFFICER COREY: -- they have workshops  
9 and public process. It's fall, yeah.

10 BOARD MEMBER GIOIA: So there will be a -- there  
11 will be a workshop.

12 EXECUTIVE OFFICER COREY: Oh, yes.

13 BOARD MEMBER GIOIA: Separate from a Board  
14 meeting or at a Board meeting?

15 EXECUTIVE OFFICER COREY: Separate from the Board  
16 meeting, leading up to the Board's consideration.

17 BOARD MEMBER GIOIA: Great. And what part of the  
18 State do you intend to hold that?

19 EXECUTIVE OFFICER COREY: I'm sorry?

20 BOARD MEMBER GIOIA: Where will it be held, in  
21 Sacramento?

22 EXECUTIVE OFFICER COREY: My expectation, and I  
23 need to nail down the discussion in terms of the number  
24 workshops, it's likely to be more than one. And if it's  
25 more than one, it will probably be more -- it will be more

1 than one location in California.

2 BOARD MEMBER GIOIA: Got it. Okay.

3 EXECUTIVE OFFICER COREY: Most likely central  
4 and --

5 BOARD MEMBER GIOIA: You'll let us know ahead of  
6 time, so if we want to go out on that.

7 CHAIR NICHOLS: I certainly will. You bet.

8 BOARD MEMBER GIOIA: Thanks.

9 CHAIR NICHOLS: Diane.

10 BOARD MEMBER TAKVORIAN: Thanks. That was really  
11 amazing. And I -- it's a -- it was a little overwhelming,  
12 I think, for all of you I'm sure. But I wanted -- there's  
13 a lot to say, but congratulations to all of you who have  
14 worked so hard, and also, obviously, to the Board.

15 You know, I think about the way I look at most  
16 issues. And when I look at the agenda and get briefed,  
17 and I -- I'm always looking at so what's the impact on  
18 environmental justice communities. And that's like always  
19 my first question. And environmental justice is baked  
20 into almost everything now.

21 So it's not like we don't have to keep asking  
22 that question, but I think we see it now. It's emanating  
23 from everywhere. And I want to join my colleagues in  
24 congratulating you, Richard, and Veronica. Thank you so  
25 much. I think that the culture has really shifted in this

1 organization, and we're aware -- we're working where we  
2 need to be. We're working in the communities that are the  
3 most impacted and that need it the most, and we're  
4 maintaining the State and global focus on climate. So  
5 we're doing it on the ground and around the globe really  
6 in a big way.

7           So I think that's pretty phenomenal. And I'm  
8 really excited about the focus on sustainable  
9 transportation. I think that's emerging. And I think  
10 when you do this report next year, it's going to look  
11 really different the focus on buses and trucks and beyond  
12 passenger cars is really amazing. So my one concrete  
13 question I guess is when might this Board have the  
14 opportunity to discuss the SB 150 report in some depth,  
15 because it seems like we really didn't have an opportunity  
16 to do that at the -- at our joint meeting.

17           EXECUTIVE OFFICER COREY: It's returning. And I  
18 making sure I'm right on this. I think it's March of this  
19 year. I think it's the first quarter. Am I right?

20           DEPUTY EXECUTIVE OFFICER CLIFF: Yeah.

21           EXECUTIVE OFFICER COREY: March. I'm right.

22           CHAIR NICHOLS: That we will discuss it as a  
23 Board not in a joint meeting, but just among ourselves?

24           EXECUTIVE OFFICER COREY: That's correct, because  
25 we had the opportunity to briefly discuss in the joint CTC



1 meeting, we wanted the opportunity to present to this  
2 Board.

3 CHAIR NICHOLS: Yeah. I think that's a really  
4 good idea. It was very awkward at that first meeting. I  
5 would say -- I have told a number of people that I thought  
6 that the first, or really it was the second joint meeting  
7 of the CTC and CARB was not a success. And it's easy to  
8 identify some elements that were not -- that made it not  
9 successful.

10 But interestingly, I don't think the CTC felt  
11 good about the meeting either, although possibly for  
12 different reasons, you know. They didn't like it that 100  
13 percent of our Board wasn't there. They were mad that I  
14 walked out after only six hours of, you know, not very  
15 well organized testimony, and being called a racist, which  
16 I thought was, actually, it would have been a good time to  
17 have walked out earlier, you know.

18 It was -- the whole thing was just not well --  
19 not well done, in my opinion. It made it clear, let's put  
20 it this way, that we and the CTC are very different  
21 agencies and we occupy -- we operate in very different  
22 ways. And that's a neutral way of saying it without  
23 blaming them for everything.

24 But the fact is that if this -- if these meetings  
25 are going to be of any use, we're going to have to be more

1 prepared the next time around, and hopefully do a better  
2 job of figuring out how to make it useful, because that  
3 format was definitely not good.

4 BOARD MEMBER TAKVORIAN: Can I just --

5 BOARD MEMBER GIOIA: And I appreciate, and I've  
6 raised it with Richard that these Tuesday dates down't  
7 work for county supervisors --

8 CHAIR NICHOLS: Right.

9 BOARD MEMBER GIOIA: -- because we meet on  
10 Tuesdays. And there's at least -- there will be a  
11 third -- three of us here. So I appreciate that you're  
12 making changes to be on a day other than Tuesday.

13 EXECUTIVE OFFICER COREY: That's right. We have  
14 circled with CTC and Susan Bransen -- in fact, to the  
15 Chair's point, I've talked with -- I think there was a  
16 consensus, in terms of your characterization of the  
17 meeting.

18 (Laughter.)

19 EXECUTIVE OFFICER COREY: So there -- no surprise  
20 there. But really it was how can we be more effective  
21 moving forward. You know, and if I put a -- if attempted  
22 to put a positive slant on it, it would probably be there  
23 really wasn't a challenge of the problem statement, in  
24 terms of the intersection of housing, transportation,  
25 investment, air quality, and climate. I mean, there were

1 different opinions on how one would go about responding to  
2 it.

3 CHAIR NICHOLS: Right.

4 EXECUTIVE OFFICER COREY: But that was a step in  
5 the right direction. But we are putting our heads  
6 together of how can we structure something that is more  
7 effective going forward. And to your point, Supervisor,  
8 I'm working with Susan on -- because I've got some  
9 challenges on the CTC side from the scheduling. So you'll  
10 overlay those. We are trying to find dates that -- from a  
11 overall critical mass, can meet most our needs. It won't  
12 meet all out needs, but most.

13 BOARD MEMBER TAKVORIAN: Can I just say, I agree  
14 obviously with Chair Nichols. And one of the things that  
15 was most disappointing to me beyond where we didn't get  
16 with the policy was the amazing work that the staff had  
17 done on that report. I mean, obviously, it received a ton  
18 of exposure in the media. People are talking about it  
19 around the state. And we're having this, excuse me, lame  
20 conversation -- beyond lame conversation -- in a public  
21 forum.

22 So I think that we -- you know, we owe it to the  
23 State, as well as to our staff, to do justice to that  
24 report and to its conclusion. So I think -- I appreciate  
25 that we're going to do that.

1 CHAIR NICHOLS: Yeah. But no, your'e absolutely  
2 right, the report itself deserves to have a life based on  
3 the work that was done.

4 Mr. De La Torre.

5 BOARD MEMBER DE LA TORRE: I want to go back to  
6 the first meeting that we had with them, at the very end  
7 of the first meeting, where we talked about the  
8 sustainable freight strategy. That that is something that  
9 there's a take-off point that staff from both agencies  
10 have already agreed to. It's there. Picking up there and  
11 trying to move just in that narrow issue area and trying  
12 to move something forward there that we can agree on.

13 And rather than the big picture --

14 CHAIR NICHOLS: The global picture.

15 BOARD MEMBER DE LA TORRE: -- start somewhere  
16 we've already been and try to get something done in those  
17 few hours we're together, and get some consensus, maybe  
18 over two meetings, and try to move that forward, instead  
19 of this big thing where everybody just goes to their  
20 corners and nothing gets done.

21 CHAIR NICHOLS: That's a good practical  
22 suggestion.

23 You know, you could -- it would be possible,  
24 although it's still early, to take a look at what's  
25 already come out of the Governor's office in terms of the

1 actions that he's taken and the statements that he's made  
2 about his views on various things, and to at least overlay  
3 that over the list of things that we are already working  
4 on, and try to show how our ongoing agenda fits within the  
5 priorities that have already been stated, because it's --  
6 you know, we're dealing were a brand new team of people,  
7 even though most of them that I've encountered so far are  
8 both smart and very experienced in their policy areas.

9           That doesn't mean that they know anything about  
10 what CARB has been doing or how we operate. My experience  
11 so far with our new Secretary, and the new Resources  
12 Secretary, and the new OPR, and the Governor's staff is  
13 that they are all very enthusiastic about working with us.  
14 They all have a very good impression of us, particularly  
15 of our Executive Officer, who has got a -- his own  
16 reputation out there in the community, and this is really  
17 terrific.

18           But that doesn't mean that they actually know the  
19 details of any of the stuff that we're working on. And  
20 they are all themselves, you know, trying to figure out  
21 what their roles are going to be. So some of what I have  
22 to do, and what staff has to do, and any of you who are in  
23 a position to help, your help is most welcome, is just to,  
24 you know, build the relationships that we had developed as  
25 the last administration. But we're going to be rebuilding

1 them with a different group of people and getting to know  
2 them better.

3           And so that's a -- that's a big part of what has  
4 to be done is just to make it easy and comfortable to know  
5 who to call when something comings up. Because inevitably  
6 in a State as big as California, even if it's run as  
7 perfectly as you could imagine, there are going to be  
8 conflicts between agencies, statutes, programs,  
9 legislators popping up with, you know, things that they  
10 want to see us do differently.

11           And so, you know we're going to have to kind of  
12 relearn a lot of those neural pathways, I think, in terms  
13 of just making this organism work -- work effectively. So  
14 not -- it's a -- it's a challenge, but it's a fun  
15 challenge. It's a good challenge. It just means that  
16 there's a new layer of work that needs to be done.

17           (Water bottle was squeezed.)

18           (Laughter.)

19           CHAIR NICHOLS: Is that plastic going to go into  
20 the ocean?

21           (Laughter.)

22           CHAIR NICHOLS: It just better not end up in  
23 ocean. That's all.

24           Any other kind of general comments?

25           If not, we don't have to stay in session.

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All right. Thanks, everybody.  
Looking forward to a good year.  
Bye.  
(Thereupon the Air Resources Board meeting  
adjourned at 1:58 p.m.)

## 1 C E R T I F I C A T E O F R E P O R T E R

2 I, JAMES F. PETERS, a Certified Shorthand  
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that the  
5 foregoing California Air Resources Board meeting was  
6 reported in shorthand by me, James F. Peters, a Certified  
7 Shorthand Reporter of the State of California, and was  
8 thereafter transcribed, under my direction, by  
9 computer-assisted transcription;

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said meeting nor in any  
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 30th day of January, 2019.

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23 Certified Shorthand Reporter  
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