CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC MEETING TO CONSIDER A PROPOSED SUBMISSION OF WAIVER AND AUTHORIZATION MEASURES INTO THE CALIFORNIA SIP

The Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to consider approval of Submission of Waiver and Authorization Measures into the California State Implementation Plan (SIP). If approved, ARB will submit its waiver and authorization measures to the United States Environmental Protection Agency (U.S. EPA) as a revision to the California SIP.

DATE: July 23, 2015

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item is scheduled to be heard on the Board's Consent Calendar. All agenda items on the Consent Calendar – unless removed upon the request of a Board member or if someone in the audience submits a request to speak card on that item – will be voted on by the Board at the beginning of the public meeting.

BACKGROUND

The federal Clean Air Act (Act) establishes the U.S. EPA as the governmental body with primary authority to enact emission standards and other emission-related requirements for new motor vehicles and engines and certain new nonroad engines and vehicles. The Act also provides that California may adopt and enforce emission standards and other emission-related requirements from new motor vehicles and engines, certain new nonroad engines and vehicles, and in-use nonroad engines and vehicles, provided U.S. EPA issues California a waiver or an authorization. Under section 209 of the Act, the U.S. EPA Administrator must grant California a waiver or an authorization if California determines that its standards, in the aggregate, are at least as protective of public health and welfare as applicable federal standards, unless the Administrator makes specified findings. California has utilized the section 209 waiver and authorization mechanism for decades to establish emission standards and emission-related requirements for new motor vehicles and engines, and new and in-use nonroad engines and vehicles that address California's particular needs.

California has relied on regulations covered by U.S. EPA waivers or authorizations (waiver/authorization measures) in the California SIP for meeting federal ambient air quality standards. Historically, U.S. EPA policy allowed California to utilize pollution

reductions resulting from waiver/authorization measures in the SIP, without requiring that those measures be separately submitted into the California SIP.

On May 20, 2015, in *Committee For A Better Arvin, et al. v. U.S. EPA, et al.* (No. 11-73924), the Ninth Circuit U.S. Court of Appeals ruled that U.S. EPA erred in approving SIPs that relied on reductions from waiver/authorization measures without requiring those measures be included in the SIP. Consequently, to facilitate U.S. EPA approval of California's pending and future SIP submittals, California is now submitting for inclusion into the SIP those waiver/authorization measures it relies upon for reductions. ARB staff compiled a list of measures which have either already been granted waivers or authorizations or are anticipated to be granted waivers or authorizations in the near future.

PROPOSED ACTION

ARB staff recommends the Board approve the list of waiver and authorization measures for inclusion in the California SIP and direct staff to submit those measures relied on in the SIP to U.S. EPA for inclusion in the SIP.

ARB staff prepared a written staff report identifying the listed measures. Copies of the staff report may be obtained from ARB's Public Information Office, 1001 I Street, First Floor, Environmental Services Center, Sacramento, California, 95814, (916) 322-2990 on June 19, 2015. The report may also be obtained from ARB's website at http://www.arb.ca.gov/planning/sip/sip.htm.

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. To be considered by the Board, written comments not physically submitted at the meeting, must be received **no later than 5:00 pm, July 20, 2015,** and addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php

Please note that under the California Public Records Act (Government Code section 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the meeting so that ARB staff and Board members have additional time to consider each comment. Further inquiries regarding this matter should be directed to Carol Sutkus, Manager, South Coast Air Quality Planning Section, (916) 322-1229 or Austin Hicks, Air Pollution Specialist, (916) 322-8279.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the meeting;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board meeting. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envié un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD

for Richard W. Corey
Executive Officer

Date: 6/19/15

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at www.arb.ca.gov.