Executive Order R-21-007

Relating to Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments:


Whereas, on August 27, 2020, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments (Proposed Amendments), as set forth in the Initial Statement of Reasons (ISOR) and Appendices A through I, which were initially released to the public on June 23, 2020, for a 60-day public comment period through August 25, 2020, and in an errata to the ISOR that was posted on July 10, 2020, but the deadline for public comment was not extended because the revised ISOR was available for a public comment period of 45 days;

Whereas, the Proposed Amendments implement two measures previously included within CARB’s Revised Proposed 2016 State Strategy for the State Implementation Plan (2016 State SIP Strategy), the “Low-NOx Engine Standard” and “Lower In-Use Emission Performance Level”;

Whereas, the environmental impacts of the Proposed Amendments were already examined as part of the Environmental Analysis (EA) prepared under CARB’s certified regulatory program for the 2016 State SIP Strategy. Hence, the environmental impacts of the Proposed Amendments are considered to fall within the scope of that prior EA, entitled Final Environmental Analysis for the Revised Proposed 2016 State Strategy for the State Implementation Plan (2016 State SIP Strategy EA). CARB staff included an Environmental Analysis chapter in the ISOR for these Proposed Amendments. This analysis, set forth in Chapter VII of the Staff Report, analyzed whether any aspect of
the amendments could result in any of the circumstances set forth in CEQA Guidelines section 15162. No additional environmental review is required, because the record evidence shows that the Proposed Amendments would not result in any such circumstances, and the 2016 State SIP Strategy EA remains applicable to and adequate for the Proposed Amendments;

Whereas, written comments were received during the 60-day comment period that raised significant environmental issues;

Whereas, CARB staff reviewed the written comments received during the 60-day comment period that raised significant environmental issues and prepared written responses to such comments that are set forth in Attachment B to Resolution 20-23 entitled “Response to Comments on the Environmental Analysis for the Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments”;

Whereas, the Board reviewed and considered both the environmental analysis and the “Response to Comments on the Environmental Analysis Prepared for the Response to Comments on the Environmental Analysis for the Proposed Heavy-Duty Engine and Vehicle Omnibus Regulation and Associated Amendments”;

Whereas, following the public hearing, the Board adopted Resolution 20-23 in which the Board approved for adoption amendments to sections 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 1971.5, 2035, 2036, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2121, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2137, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2166, 2166.1, 2167, 2168, 2169, 2170, 2423, and 2485, title 13, California Code of Regulations; sections 95662 and 95663, title 17, California Code of Regulations; and new sections 2139.5, 2169.1, 2169.2, 2169.3, 2169.4, 2169.5, 2169.6, 2169.7, and 2169.8, title 13, California Code of Regulations, as set forth in Attachment A, and the incorporated test procedures, as set forth in Attachment B and staff proposed 15-day modifications as set forth in Attachment A of Resolution 20-23;

Whereas, Resolution 20-23 directed the Executive Officer to make the Proposed Amendments, as initially released with the Notice of Public Hearing for this rulemaking action, additional Proposed Amendments CARB staff had developed in response to comments received since the time the Notice of Public Hearing was posted on June 23, 2010, modifications in response to comments presented at the August 27, 2020 public hearing, and any additional conforming modifications available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;
Whereas, the text of the modified regulatory language and supporting documentation were circulated for a 30-day and a 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from May 5, 2021, through June 4, 2021, and June 18, 2021, through July 6, 2021, respectively;

Whereas, a number of written comments were received during the initial 60-day comment period and supplemental 30-day and 15-day comment periods, and those comments were considered by the Executive Officer;

Whereas, based on substantial evidence in the record there is no possibility the modifications to the regulation made available for 30-day and 15-day public comment periods after the Board hearing could affect the conclusion of the environmental analysis included in the ISOR, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 20-23 are incorporated herein.

It is further ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 9th day of September, 2021 at Sacramento, California.

[Signature]

Richard W. Corey
Executive Officer

Attachments