State of California
AIR RESOURCES BOARD

Executive Order R-19-001

Relating to the Amendments to the Heavy-Duty Vehicle Inspection Program and the Periodic Smoke Inspection Program

WHEREAS, on May 25, 2018, the California Air Resources Board (CARB or Board) conducted a public hearing to consider proposed amendments to the Heavy-Duty Vehicle Inspection Program and the Periodic Smoke Inspection Program, as set forth in Appendix A to the Initial State of Reasons released to the public on April 3, 2018;

WHEREAS, the environmental analysis prepared under CARB’s regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the amendments are exempt from CEQA under California Code of Regulations, title 14, section 15306 (“Class 8” exemption: Actions Taken by Regulatory Agencies for Protection of the Environment) and California Code of Regulations, title 14, section 15061(b)(3) (“common sense” exemption) because the record evidence shows that the amendments will enhance the environment by better protecting the public from health impacts associated with exposure to particulate matter, the regulatory process involves procedures for protection of the environment, and the amendments will not result in any significant adverse environmental impacts as described in Chapter III of the Staff Report;

WHEREAS, at the May 25, 2018, hearing, written comments were received that purported to raise significant environmental issues associated with the proposal, which the Board did not have the opportunity to consider at that time;

WHEREAS, staff subsequently prepared written responses, as set forth in Attachment B to Resolution 18-28, to the written comments submitted during the May 25, 2018, public hearing that purported to raise significant environmental issues;

WHEREAS, the Executive Officer presented to the Board staff’s written responses to the written comments submitted during the public hearing that purported to raise significant environmental issues for the Board’s consideration and approval at a subsequently scheduled public hearing held on July 26, 2018;

WHEREAS, following the July 26, 2018, public hearing, the Board adopted Resolution 18-28 in which the Board approved for adoption amendments to sections 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2190, 2191, 2192, 2193, 2194 and 2195, California Code of Regulations, title 13, as set forth in Attachment A of that resolution;

WHEREAS, Resolution 18-28 directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any
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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, modified regulatory language and supporting documentation were circulated for 15-day public comment periods, 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 September 11, 2018, to September 26, 2018, and December 12, 2018, to December 27, 2018;

WHEREAS, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer; and

WHEREAS, I have determined that no additional conforming modifications to the regulation are appropriate.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 18-28 are incorporated herein.

IT IS FURTHER ORDERED that sections 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2190, 2191, 2192, 2193, and 2194, California Code of Regulations, title 13, are adopted as set forth in Attachment 1 to this Order.

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 12th day of March, 2019, at Sacramento, California.

Richard W. Corey
Executive Officer

Attachment