

# ATTACHMENT D

[PROPOSED]

## FINDINGS and STATEMENT OF OVERRIDING CONSIDERATIONS

### Introduction

The California Air Resources Board (CARB), as the lead agency for the *Proposed Advanced Clean Trucks Regulation* (Proposed Project), prepared a Draft Environmental Analysis (EA) in accordance with its certified regulatory program (Cal. Code Regs., tit. 17, §§ 60000 – 60008) to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, §21000, *et seq.*). The Draft EA, entitled *Draft Environmental Analysis prepared for the Proposed Advanced Clean Trucks Regulation*, included as Appendix D to the Staff Report (Initial Statement of Reasons) for the Proposed Project, provided an analysis of the potential environmental impacts associated with the Proposed Project. Following circulation of the Draft EA for a 45-day public review and comment period from October 22, 2019 through December 9, 2019, CARB prepared the *Final Environmental Analysis prepared for the Proposed Advanced Clean Truck Regulation* (Final EA) which includes minor revisions to the Draft EA. While minor modifications have been made to the EA to ensure it reflects the Proposed Project as accurately as possible, these changes merely clarify, amplify, or make insignificant modifications to the otherwise-adequate Draft EA. In general, the modifications to the Proposed Project expand the scope by increasing the number of zero-emission vehicles sold in California, which will in turn increase the environmental benefits related to greenhouse gas reductions and air quality improvements. The Draft EA's findings, overall significance conclusions, mitigation measures and alternatives adequately address the environmental review for the proposed modifications. Therefore, there is no significant new information that would require the EA to be recirculated. The Final EA was posted on CARB's webpage on June 23, 2020.

This statement of findings and overriding considerations was prepared to comply with CEQA's requirement to address the environmental impacts identified in the Final EA. (Pub. Resources Code, §§ 21081, 21081.6, Cal. Code Regs, tit. 14, §§ 15091, 15093.) The Final EA is based on the expected compliance responses of the regulated entities covered by the Proposed Project. Although the policy aspects and requirements of the Proposed Project do not directly change the physical environment, there are potential indirect physical changes to the environment that could result from reasonably foreseeable actions undertaken by entities in response to the Proposed Project. These indirect impacts are the focus of the programmatic-level impacts analysis in the Final EA.

Collectively, across all categories, the Final EA concluded that the reasonably foreseeable compliance responses associated with the Proposed Project could result in the following short-term and long-term impacts: beneficial impacts to energy demand, and greenhouse gases; less than significant impacts, or no impacts, to air quality, energy demand, greenhouse gases, land use planning, mineral resources, population and housing, public service, and recreation; and potentially significant [indirect/secondary] adverse impacts to aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality,

land use planning, mineral resources, noise, transportation and traffic, and utilities and service systems. The potentially significant and unavoidable adverse impacts are disclosed for both short-term, construction-related activities and long-term operational activities, which is why some resource areas are identified above as having both beneficial or less-than-significant impacts and potentially significant impacts.

CARB's certified regulatory program requires that before adoption of an action for which significant adverse environmental impacts have been identified during the review process, CARB consider feasible mitigation measures and alternatives that could substantially reduce the impacts. (Cal. Code Regs, tit. 17, §60004.2.) CEQA places the burden on the approving agency to affirmatively show that it has considered feasible mitigation and alternatives that can lessen or avoid identified impacts through a statement of findings for each identified significant impact. (Pub. Resources Code, §21081.) CEQA Guidelines section 15091 provides direction on the content of the statement of findings. That section states that one or more of the following findings should be identified for each impact:

- Changes or alterations have been required in, or incorporated into, such projects which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

The potential adverse impacts identified in this programmatic level EA are potential indirect impacts associated with the compliance responses reasonably foreseeable in response to the Proposed Project based on currently available information. The ability to determine site- or project-specific impacts of projects carried out by third parties and the authority to require feasible mitigation lies with those agencies with authority to approve such actions, e.g. local permitting authorities in city or county governments and local air districts. CARB does not have the ability to determine with any specificity the project level impacts, nor the authority to require project-level mitigation in approving the Proposed Project, as discussed in the findings below.

An agency may approve a project with unavoidable (unmitigated) adverse environmental impacts. When doing so, CEQA requires the agency to make a statement in the record of its views on the ultimate balancing of the merits of approving the project despite the environmental impacts in a "statement of overriding considerations" (Pub. Resources Code, §21081(b); Cal. Code Regs, tit. 14, §15093.) The following presents the CARB Board's (Board) statement of findings for each significant adverse impact identified in the Final EA, accompanied by a brief explanation, and its statement of overriding considerations.

## STATEMENT OF FINDINGS

The Board has independently reviewed and considered the entire record, including the information contained in the Final EA, public testimony, written comments received, and the written responses to environmental comments, all of which are hereby incorporated by reference. The Board makes the following written findings for each significant adverse impact identified, accompanied by a brief explanation of the rationale for each finding. These findings are supported by substantial evidence in the record.

### Aesthetics

#### Finding and Explanation

The Final EA found that the reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant short-term construction-related impacts and long-term operational impacts on aesthetic resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA includes Mitigation Measures 1-1 and 1-2, which identify existing statutes and regulations and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 1-1 and 1-2 are within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 1-1 and 1-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Impacts may be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval at a later stage. But at this stage, the Board lacks full details on the design of potential programs and associated required mitigation. Consequently, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Agriculture and Forest Resources**

### Finding and Explanation

The Final EA found that the reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on agriculture and forest resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA includes Mitigation Measure 2-1, which identifies existing statutes and regulations and construction and operating permit requirements as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 2-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 2-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the Final EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Impacts may be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval at a later stage. But at this stage, the Board lacks full details on the

design of potential programs and associated required mitigation. Consequently, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Air Quality**

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant short-term construction-related impacts on air quality. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measure 3-1, which identifies existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 3-1 within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 3-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource

associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This impact potential is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Biological Resources**

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on biological resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measures 4-1 and 4-2, which identify existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 4-1 and 4-2 are within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 4-1 and 4-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

The Final EA determined that it is unknown where and under which jurisdiction individual projects may be located. Thus, the authority to determine project-level impacts and applicable regulations lies with the permitting agency for individual projects. This programmatic analysis and CARB's lack of authority over certain aspects of project-level development do not allow CARB to require project-specific mitigation or guarantee its implementation, resulting in an

inherent uncertainty in the degree of mitigation ultimately implemented to reduce the potentially significant impacts.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This impact potential is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Cultural Resources**

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on cultural resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measure 5-1, which identifies existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 5-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 5-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent

uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

The Final EA determined that it is unknown where and under which jurisdiction individual projects may be located. Thus, the authority to determine project-level impacts and applicable regulations lies with the permitting agency for individual projects. This programmatic analysis and CARB's lack of authority over certain aspects of project-level development do not allow CARB to require project-specific mitigation or guarantee its implementation, resulting in an inherent uncertainty in the degree of mitigation ultimately implemented to reduce the potentially significant impacts.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Geology and Soils**

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on geology and soil resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measure 7-1, which identifies existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 7-1 is within the responsibility and jurisdiction of other public agencies, and that the



requirements and practices in Mitigation Measure 7-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Hazards and Hazardous Materials**

### Finding and Explanation

The Final EA found that the reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant short-term construction-related and long-term operational-related impacts on hazards and hazardous material resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA includes Mitigation Measures 9-1 and 9-2, which identify existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 9-1 and 9-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements

and practices in Mitigation Measures 9-1 and 9-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource is inherently uncertain.

Impacts may be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval at a later stage. But at this stage, the Board lacks full details on the design of potential programs and associated required mitigation. Consequently, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Hydrology and Water Quality**

### **Finding and Explanation**

The Final EA found reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on hydrology and water quality resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measures 10-1 and 10-2, which identify existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 10-1 and 10-2 are within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 10-1 and 10-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the

identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Land Use and Planning**

### **Finding and Explanation**

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on land use and planning resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

Construction and operation of new manufacturing and recycling facilities may require the conversion of non-industrial land uses to industrial land uses. Potential environmental effects associated with land use change on agriculture and forestry, biology, geology and soils, and hydrology and their related mitigation measures are discussed in further detail under their respective impact discussions.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to land use associated with the proposed actions in the Proposed Project would be potentially significant

and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Mineral Resources**

### Finding and Explanation

The Final EA found that the Proposed Project could result in impacts to mineral resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measure 12-1, which identifies existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 12-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 12-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## Noise

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on noise resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measures 13-1 and 13-2, which identify existing statutes and regulations and construction and operational permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 13-1 and 13-2 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 13-1 and 13-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## Transportation and Traffic

### Finding and Explanation

The Final EA found that reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant impacts on transportation and traffic resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The Final EA included Mitigation Measures 17-1 and 17-2, which identify existing statutes and regulations and construction permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measures 17-1 and 17-2 are within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measures 17-1 and 17-2 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource.

Consequently, at this stage without full details on the design of potential programs and associated required mitigation, while impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## Utilities and Service Systems

### Finding and Explanation

The Final EA found that the reasonably foreseeable actions associated with implementation of the Proposed Project could result in potentially significant long-term operational impacts on utilities and service systems resources. Implementation of the Proposed Project could result in an increase in manufacturing and associated facilities to increase the supply of zero-emission vehicles (ZEVs), along with construction of new hydrogen fueling stations and electric vehicle charging stations to support ZEV operations and associated increase in hydrogen fuel supply and transportation. Increased deployment of ZEVs would result in a corresponding decrease in deployment of gasoline and diesel fueled vehicles. Likewise, increased deployment of ZEVs would result in an increase in the production of electricity and hydrogen fuel, reduce rates of oil and gas extraction, and result in associated increases in lithium and platinum mining and exports from source countries or other states. This could result in increased rates of disposal of lithium batteries and hydrogen fuel cells; however, disposal would need to comply with California law, including but not limited to California's Hazardous Waste Control Law and implementing regulations. For lithium-ion batteries, it is anticipated they still have a useful life at the end of vehicle life, and are likely to be repurposed for a second life. To meet an increased demand of refurbishing or reusing batteries and fuel cells, new facilities or modifications to existing facilities could be constructed to accommodate recycling activities. Fleet turnover largely would be unaffected since the regulation is implemented at the time of normal vehicle purchase.

The EA includes Mitigation Measure 18-1, which identifies existing statutes and regulations and construction and operating permit requirements, as well as other recognized practices designed to reduce these potentially significant impacts. The Board finds that the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Therefore, the Board finds that the authority to implement Mitigation Measure 18-1 is within the responsibility and jurisdiction of other public agencies, and that the requirements and practices in Mitigation Measure 18-1 should be adopted by those agencies. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible. Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to this resource is inherently uncertain.

Impacts may be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval at a later stage. But at this stage, the Board lacks full details on the design of potential programs and associated required mitigation. Consequently, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the impacts to this resource associated with the proposed actions in the Proposed Project would be potentially significant and unavoidable. This potential impact is overridden by the project's benefits as set forth in the statement of overriding considerations.

## **Cumulatively Considerable Impacts**

The applicable plan containing the appropriate summary of projections for considering cumulative impacts of the Proposed Project is the 2016 State SIP Strategy. The analysis of cumulative impacts for the Proposed Project included a summary of the cumulative impacts found for each resource area in this plan, and a conclusion regarding whether the Proposed Project could result in a cumulatively considerable contribution to an existing significant cumulative impact.

The EA concluded the Proposed Project could result in a cumulatively considerable contribution to significant cumulative impacts to aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, transportation and traffic, and utilities and service systems. While suggested mitigation is provided within the respective resource areas of the EA analyses that could address the contribution of the Proposed Project to each of these potentially cumulatively considerable impacts, the Board finds that because these adverse impacts are potential indirect impacts associated with the compliance responses of covered entities, the authority to determine site- or project-specific mitigation is within the purview of jurisdictions with land use approval and permitting authority, such as city or county governments. Public agencies with the requisite authority can and should implement the identified measures to the degree feasible.

Because the authority and responsibility to determine project-level impacts and require project-level mitigation lies with land use and/or permitting agencies for individual projects, and the programmatic level of analysis associated with the EA does not attempt to address project-specific details of mitigation, there is inherent uncertainty in the degree of mitigation that may ultimately be implemented to reduce potentially significant impacts to these resources. Consequently, while cumulative impacts could be reduced to a less-than-significant level by land use and/or permitting agency conditions of approval, the Board takes a conservative approach in its post-mitigation significance conclusion and finds the cumulatively considerable contribution of the Proposed Project to existing significant cumulative impacts to aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, mineral resources, noise, transportation and traffic, and utilities and service systems to be potentially significant and unavoidable.

## **Findings on Alternatives to the Project**

In addition to the No-Project Alternative, the EA considered a reasonable range of potentially feasible alternatives that could potentially reduce or eliminate the significant adverse environmental impacts associated with the Proposed Project, while accomplishing most of the basic project objectives.

The Board finds the alternatives analysis is sufficient to inform the Board and the public regarding the tradeoffs between the degree to which the alternatives could reduce environmental impacts and the corresponding degree to which the alternatives could achieve the project objectives.



Based upon a full evaluation of the alternatives, and the entirety of the record, the Board finds that adoption and implementation of the Proposed Project is the most desirable, feasible, and appropriate action for achieving the objectives of the project, and the Board rejects the other alternatives because they either fail to meet most project objectives, or are infeasible based on consideration of the relevant factors identified in the EA and briefly described below. Please see the Final EA for more in-depth discussion and analysis regarding project alternatives.

#### Alternative 1: No Project Alternative –

Alternative 1 in the EA describes a reasonably foreseeable scenario if CARB did not approve the Proposed Project. Under the No Project Alternative, the Proposed Project would not occur. Existing conditions would continue, and truck sales would continue as they have been to date, resulting in no development of a ZE truck market in California.

The Board finds that the No-Project Alternative would fail to meet most of the project objectives listed in Chapter 2 of the Final EA. Under the No Project Alternative, criteria pollutant and GHGs emissions would not decrease. The No Project Alternative would also fail to fulfill either the AB 1493 mandate to achieve maximum feasible GHG reductions or the AB 32 mandate to reduce GHG emissions to 1990 levels by 2020. The No Project Alternative would not result in energy savings. The No Project Alternative would not help attain the California and national ambient air quality standards, and it would fail to ensure all Californians live, work, and play in a healthful environment free from harmful exposure to air pollution. For these reasons, the Board rejects this alternative.

#### Alternative 2: Less Stringent ZEV Sales Requirement –

This alternative includes a less stringent ZEV sales requirement than the Proposed Project. Under this alternative, three percent of regulated manufacturer sales would need to be ZEVs in Class 2b-7 ramping up to 15 percent in 2030. Class 2b-3 pickup trucks and all Class 8 vehicles would be excluded from the ZEV sales requirement. This alternative would result in fewer ZEV sales compared to the Proposed Project.

The Board finds that emissions reduction achieved under this alternative would not be as great as the reductions that would be achieved under the Proposed Project (Objective 2, 5, and 9). The less stringent ZEV sales requirement will result in less emissions reduction benefits compared with the Proposed Project and no new GHG reductions because the reductions are already attributed to the CA Phase 2 GHG regulation. In addition, the less stringent ZEV sales requirement may not develop a self-sustaining ZE truck market (Objective 1, 6, 8, and 10). This could prevent California from achieving the GHG reduction goal of AB 32 (Objective 3), particularly if CARB cannot develop other programs or regulations to reduce GHG emissions (Objective 4 and 7). As such, this alternative would partially achieve some of the project objectives identified under the Proposed Project, but not to the same degree as the Proposed Project. For these reasons, the Board rejects this alternative.

#### Alternative 3: More Stringent in Early Years ZEV Sales Requirement -

This alternative includes a more stringent ZEV sales requirement in the early years of the regulatory timeframe than the Proposed Project. Under this alternative, 15 percent of

regulated manufacturer sales would need to be ZEVs in class 2b-8 ramping up to 40 percent in 2030. No vehicle types are excluded from the ZEV sales requirement in this scenario.

The Board finds that this alternative could meet objectives related to more emission reductions (Objective 2, 5, and 9) and health benefits (Objective 11) from early years; however, it also bears some risks. First, it moves all infrastructure cost earlier which could be too much of a financial burden for fleets or manufacturers (Objective 12). Due to the increased ZEV percentage sales requirements, fleets and utilities will need to significantly accelerate the purchase of ZEVs and the rollout of ZEV infrastructure. Even though this alternative results in more ZEVs deployed than the proposed ACT regulation (Objective 1, 6, 8, and 10) and would result in more NO<sub>x</sub> and PM<sub>2.5</sub> emission reductions (Objective 4 and 7), having a more aggressive timeframe raises questions about feasibility for manufacturers, fleets, and utilities to comply with its requirements in its initial years and makes the emissions reductions less cost effective. For these reasons, the Board rejects this alternative.

#### Alternatives Considered but Rejected –

Four additional alternatives were considered during development of the alternatives to the Proposed Project. The first was “Balanced Heavy-Duty Truck and Bus Low NO<sub>x</sub> Credit Policy Approach”, the second was “Total Truck Population ZEV Sales Requirement”, the third was “Fleet Rule Requirement” and the fourth was “EMA Sector Requirement”. The CEQA Guidelines Section 15126.6(c) includes three factors that may be used to eliminate alternatives from detailed consideration in an Environmental Impact Report (EIR): “(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impact.” These alternatives were rejected because they do not meet the most basic of the project objectives or are either infeasible or would not result in additional NO<sub>x</sub>, PM or GHG emission reductions.

### **STATEMENT OF OVERRIDING CONSIDERATIONS**

CARB expects that many of the significant adverse impacts identified in the EA will be avoided or mitigated; however, since uncertainty exists as to the extent of mitigation that other agencies will require at the site- and project-specific level, the Board is conservatively considering the impacts to be potentially significant and unavoidable. The Board finds that despite the potential for adverse environmental impacts associated with the Proposed Project, other benefits of the proposed actions are determined to be overriding considerations that warrant approval of the Proposed Project and outweigh and override its unavoidable significant impacts. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, despite each and every unavoidable impact. These benefits include:

1. Accelerating the deployment of vehicles that achieve the maximum emissions reduction possible from medium- and heavy-duty vehicles to assist in the attainment of national ambient air quality standards for criteria air pollutants (Health & Safety Code Sections 43000.5(b), 43018(a)).
2. Reducing the State’s dependence on petroleum as an energy resource and support the use of diversified fuels in the State’s transportation fleet (Health & Safety Code Section 43000(e), California Public Resources Code (PRC) Section 25000.5). In

addition, petroleum use as an energy resource contributes substantially to the following public health and environmental problems: air pollution, acid rain, global warming, and the degradation of California's marine environment and fisheries (PRC Section 25000.5(b), (c)).

3. Decreasing GHG emissions in support of statewide GHG reduction goals by adopting strategies to deploy medium- and heavy-duty zero-emission vehicles (ZEV) in California as identified in the Scoping Plan as "Last Mile Delivery", which was developed to reduce GHG emissions in California, as directed by AB 32. The CARB's 2017 Climate Change Scoping Plan and 2016 Mobile Source Strategy aim to accelerate development and deployment of the cleanest feasible mobile source technologies and to improve access to clean transportation. Implementation of the Proposed Project would also provide further GHG reductions pursuant to AB 1493 (Ch. 200, Stats. of 2002, Pavley).
4. Developing a regulation that is consistent with and meets the goals of the State Implementation Plan (SIP), providing necessary emission reductions from vehicular sources for all of California's nonattainment areas to meet federal ambient air quality standards (Health & Safety Code Sections 39002, 39003, 39602.5, 43000, 43000.5, 43013, 43018).
5. Maintaining and continuing reductions in emissions of GHGs beyond 2020, in accordance with AB 32 (Health & Safety Code Sections 38551(b), 38562, 38562.5, 38566); pursue measures that implement reduction strategies covering the State's GHG emissions in furtherance of California's mandate to reduce GHG emissions to the 1990 level by 2020 and 40 percent below the 1990 level by December 31, 2030.
6. Leading the transition of California's medium- and heavy-duty transportation sector from internal combustion to all electric powertrains.
7. Complementing existing programs and plans to ensure, to the extent feasible, that activities undertaken pursuant to the measures complement, and do not interfere with, existing planning efforts to reduce GHG emissions, criteria pollutants, petroleum-based transportation fuels, and TAC emissions.
8. Incentivizing and supporting emerging zero-emission technology that will be needed to achieve CARB's SIP goals.
9. Achieving emission reductions that are real, permanent, quantifiable, verifiable, and enforceable (Health & Safety Code Sections 38560, 38562(d)(1)).
10. Providing market certainty for zero-emission technologies and fueling infrastructure to guide the acceleration of the development of environmentally superior medium- and heavy-duty vehicles that will continue to deliver performance, utility, and safety demanded by the market.
11. Taking steps to ensure all Californians can live, work, and play in a healthful environment free from harmful exposure to air pollution. Protect and preserve public health and well-being, and prevent irritation to the senses, interference with visibility, and damage to vegetation and property (Health & Safety Code Section 43000(b)) in

recognition that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the State (Health & Safety Code Section 43000(a)).

12. Spurring economic activity of zero-emission technologies in the medium- and heavy-duty vehicle sectors. Incentivizing innovation that will transition California's economy into greater use of clean and sustainable zero-emission technologies and promote increased economic and employment benefits that will accompany this transition (AB 1493, Section 1(g); Health & Safety Code Section 38501(e)).

## **LOCATION AND CUSTODIAN OF THE RECORD**

The documents and other materials that constitute the record of proceedings on which these findings are based are located at 1001 I Street Sacramento, CA 95814. The custodian for these documents is the California Air Resources Board Legal Office.