



California Natural
Gas Vehicle Coalition

August 24, 2020

The Honorable Mary Nichols
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

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Re: Omnibus Regulation: Comments regarding CARB's Environmental Analysis Pursuant to the California Environmental Quality Act

Dear Chair Nichols:

The California Natural Gas Vehicle Coalition (CNGVC) appreciates the opportunity to comment on the proposed Heavy-Duty Engine and Vehicle Omnibus Regulation (Regulation). This letter summarizes our concerns regarding CARB's environmental analysis pursuant to the California Environmental Quality Act (CEQA) and CARB's Certified Regulatory Program.

While CNGVC has long supported CARB's efforts to maximize reductions of criteria pollutants and greenhouse gas emissions in California, CARB's environmental analysis for this Regulation does not adequately examine the significant environmental effects of this rulemaking. Instead, CARB's Initial Statement of Reasons asserts that CARB is not required to prepare the functional equivalent of an environmental impact report because it can rely completely on the program-level environmental analysis (EA) prepared for the 2016 State SIP Strategy. Consequently, CARB's 11-page EA here does not adequately evaluate the significant environmental effects of the rulemaking, nor does it account for changed circumstances and new information which suggest the likelihood of new significant environmental effects and/or a substantial increase in the severity of previously identified significant effects. In particular, the draft EA fails to sufficiently address the following environmental matters:

- As a preliminary matter, CARB cannot rely exclusively on the 2016 programmatic EA because it does not address the full range of activities that are proposed pursuant to the current rulemaking. As noted in the comments made by the Truck and Engine Manufacturers Association (EMA), dated August 13, 2020, the full suite of proposed Omnibus Regulation has changed and expanded significantly since 2016. We incorporate those comments by reference. Consequently, the environmental analysis here fails to adequately address the full scope of environmental impacts that are likely to result from the proposed Regulation.

- Additionally, even if the 2016 programmatic EA covered the proposed activities, which it does not, neither its analysis nor the current EA adequately analyzes the scope or severity of the short-term air quality impacts that are likely to result from the Regulation. The 2016 programmatic EA concluded that the proposed SIP strategy would result in potentially significant and unavoidable short-term air quality impacts due to the foreseeable compliance response, including construction of infrastructure for natural gas and hydrogen refueling stations and construction and operation of new manufacturing facilities. Yet, it failed to fully address the scope or severity of those impacts by, for example, failing to evaluate the likely response of fleet operators in California to the Omnibus Regulation *and* the Advanced Clean Truck Rule, which will cause fleet operators in California to accelerate their purchases of new heavy-duty vehicles before the regulations take full effect.
- Furthermore, the 2016 programmatic EA concluded that mitigation measures were outside CARB's authority. Similarly, here, the current EA states that there are "[n]o newly feasible or different mitigation measure . . . which could substantially reduce one or more of the previously-identified significant effects of the project." This is simply inaccurate. As we have previously requested in this and other proceedings, CARB should incentivize the use of low NOx vehicles, which are an immediately-available remedy to the problems of NOx and greenhouse gas emissions, and are currently certified by CARB as 90 percent cleaner than today's certified diesel. Indeed, in the recent ACT Regulation proceedings, CARB suggested that a credit for low NOx vehicles would be considered during the Omnibus Regulation proceedings. Such a measure is now available, and could substantially reduce the previously identified significant effects of the rulemaking.

We believe that these items should be addressed in a full EA, rather than a truncated statement about why such additional environmental review is not necessary.

Please don't hesitate to contact me if you have questions at thomas@cngvc.org or at 888-538-7036.

Sincerely,



Thomas Lawson
President