

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER R-12-011**

*Relating to the Public Hearing to Adopt a Regulation and Related Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years*

WHEREAS, on November 17, 2011, the Air Resources Board (ARB or Board) conducted a public hearing to consider the adoption of a regulation and related certification procedures for new light-duty engines for use in light-duty specially constructed vehicles for 2012 and subsequent model years, as set forth in Appendix A of the Initial Statement of Reasons released to the public on September 28, 2011;

WHEREAS, the California Environmental Quality Act (CEQA) requires that no project which may have significant adverse environmental impacts may be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts, unless specific overriding considerations are identified which outweigh the potential adverse consequences of any unmitigated impacts;

WHEREAS, CEQA allows public agencies to prepare a plan or other written documentation in lieu of an environmental impact report or negative declaration (i.e., a functional equivalent environmental document), once the Secretary of the Resources Agency has certified an agency's regulatory program pursuant to section 21080.5 of the Public Resources Code;

WHEREAS, pursuant to section 21080.5 of the Public Resources Code, the Secretary of the Resources Agency has certified that portion of the ARB's regulatory program that involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans;

WHEREAS, ARB's certified regulatory program provides that when an action contemplated by the Board may have a significant effect on the environment, ARB staff shall prepare a staff report that shall contain a description of the proposed action, an assessment of anticipated significant long or short-term adverse and beneficial environmental impacts associated with the proposed action and a succinct analysis of those impacts, which shall include a discussion of feasible mitigation measures and alternatives to the proposed action;

WHEREAS, concurrent with publication of the 45-Day Notice, ARB issued an Initial Statement of Reasons (Staff Report) that included an environmental analysis that addressed potential long and short-term environmental impacts related to the proposed amendments;

WHEREAS, at the November 17, 2011 public hearing, the Board considered the proposed adoption of the regulation and related certification procedures and adopted Resolution 11-38 in which the Board directed the Executive Officer to:

1. Determine if additional modifications to the proposed regulation and incorporated certification procedures, as set forth in Attachments A [set forth in Appendix A to the Initial Statement of Reasons] and B [set forth in Appendix B to the Initial Statement of Reasons], along with the modifications set forth in Attachment C [set forth in a document entitled "Staff's Suggested Modifications to the Original Proposed Regulation and Certification Procedures" that was distributed at the November 17, 2011 public hearing], along with any additional conforming modifications that may be appropriate, and any modifications that are necessary to ensure that all feasible mitigation measures or feasible alternatives that would substantially reduce any significant adverse environmental impacts have been incorporated into the final action, or to return the proposed amendments and findings to the Board for further consideration before taking final action, if he determines that this is warranted;
2. If the Executive Officer determines that additional modifications are appropriate as specified above, to make the modified regulatory language for public comment for a period of 15 days prior to taking final action to adopt the regulation and certification procedures, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted.
3. Evaluate all comments received during the public comment periods, including comments raising significant environmental issues, and prepare and approve written responses as required by Government Code section 11346.9, Public Resource Code section 21080.5(d)(2)(D), and title 17, California Code of Regulations (CCR), section 60007;
4. Determine whether there are feasible alternatives or mitigation measures that could be implemented to reduce or eliminate any potential adverse environmental impacts;
5. Make findings as required by Public Resources Code section 21081 if the proposed amendments would result in one or more significant adverse environmental effects;

WHEREAS, on August 8, 2012, and August 16, 2012, the regulation and incorporated certification procedures, reflecting the modifications considered by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, CCR, section 44;

WHEREAS, written comments were received during the initial 45-day comment period and after issuance of both of the 15-day comment periods, and oral comments were received as part of the testimony taken at the November 17, 2011 Board hearing;

WHEREAS, in accordance with CEQA and ARB's certified regulatory program, ARB prepared an environmental analysis as part of the Staff Report: Initial Statement of Reasons for the proposed regulation; The Staff Report identified no significant adverse environmental effects; and

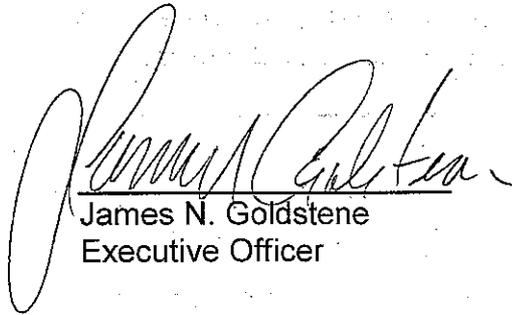
WHEREAS, no comments were received identifying any significant environmental issues pertaining to this item, and therefore, no approval of such responses is required.

NOW, THEREFORE, IT IS ORDERED, that the recitals and findings contained in Resolution 11-38 are incorporated herein.

IT IS FURTHER ORDERED, that sections 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, and 2218, CCR, title 13, Division 3, Chapter 1, Article 1.5, as set forth in Attachment 1 hereto, and the incorporated "California Certification Procedures for Light-Duty Engine Packages For Use in Light-Duty Specially Constructed Vehicles For 2012 And Subsequent Model Years", as set forth in Attachment 2 hereto, are adopted.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantive changes, which will be added to the rulemaking record and indicated as such.

Executed this 27 day of September 2012, at Sacramento, California.

  
James N. Goldstene  
Executive Officer

Attachments

**FILED**  
SEP 27 2012  
Resources Agency of California