

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER PROPOSED MODIFICATIONS TO THE
REGULATION FOR STATE IMPLEMENTATION PLAN CREDIT FROM MOBILE
AGRICULTURAL EQUIPMENT

Public Hearing Date: October 25, 2013

Public Availability Date: May 14, 2014

Deadline for Public Comment: May 29, 2014

At its October 25, 2013 public hearing, the Air Resource Board (ARB or Board) approved for adoption the proposed adoption to the California Code of Regulations, title 13, section 2428, which provides an administrative mechanism for the State of California to receive credit towards the State Implementation Plan (SIP) requirements for emission reductions achieved in the San Joaquin Valley Air Pollution Control District from incentive-funded mobile agricultural equipment projects that are implemented using the Carl Moyer Program Guidelines.

At the hearing, the staff presented, and the Board approved modifications to the regulation originally proposed in the Staff Report released on September 4, 2013, in response to comments received since the Staff Report was published. These modifications include specifying the Carl Moyer Program chapters and appendices that apply to the regulation, and specifying that air districts that opt-in to the regulation must submit their local rule to United States Environmental Protection Agency (U.S. EPA) for approval in addition to ARB. Furthermore, staff is proposing clarifying modifications to capitalize the 'g' in Guidelines and to delete the word 'proposed' in referring to the regulation. Finally, staff is proposing to clarify that ARB and U.S. EPA's approval of a district's local rule is to ensure compliance with the regulation.

Board Resolution 13-42 approved new section 2428, as modified. The resolution and other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2013/sipmobileag2013/sipmobileag2013.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt in the California Code of Regulations, title 13, section 2428, after making them available to the public for comment for a period of at least 15 days. The Board further 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 regulations to the Board for further consideration if warranted.

Summary of Proposed Modifications

Attachment 1 to this notice contains the text of title 13, California Code of Regulations, section 2428, that shows the proposed 15-day modifications to the originally proposed text.

1. In section 2428(e), a number of additional Carl Moyer Program Guidelines chapters and appendices have been specified to improve clarity. In addition, 'g' in Guidelines was capitalized;
2. In section 2428(h)(2), the word 'proposed' was deleted;
3. In section 2428(h)(3), "and U.S. EPA" has been added to the regulatory text. In addition, 'to ensure compliance with this regulation' was added to clarify the purpose of the approval.

Submittal of Public Comments

Written comments will only be accepted on the modifications identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment