State of California
AIR RESOURCES BOARD

Executive Order R-15-001

Relating to the Adoption of Amendments to the AB 118 Enhanced Fleet Modernization Program Regulation

WHEREAS, on June 26, 2014, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed amendments to the AB 118 Enhanced Fleet Modernization Program Regulation, as set forth in Appendix A to the Initial Statement of Reasons released to the public on May 6, 2014;

WHEREAS, the environmental analysis prepared under ARB'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 as described in CEQA Guidelines section 15061 because it is an action taken by a regulatory agency for protection of the environment (CEQA Guidelines § 15308 "class 8" exemption), and because it can be seen with certainty that there is no possibility that this regulatory action may result in a significant adverse impact on the environment (CEQA Guidelines § 15061 (b)(3) "common sense" exemption) as described in Chapter IV of the Staff Report;

WHEREAS, following the public hearing, the Board adopted Resolution 14-17 in which the Board approved for adoption amendments to sections 2620, 2621, 2622, 2623, 2623.5, 2624, 2625, 2626, 2627, 2628, and 2629, title 13, California Code of Regulations, as set forth in Attachment A of that resolution;

WHEREAS, Resolution 14-17, directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any 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 period, 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 November 17, 2014 through December 2, 2014;

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

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 14-17, are incorporated herein.

IT IS FURTHER ORDERED that sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, and 2629, title 13, California Code of Regulations, 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 24th day of February at Sacramento, California.

FILED
FEB 26 2015
Resources Agency of California

Richard W. Corey
Executive Officer

Attachment