State of California
AIR RESOURCES BOARD

Final Adoption of
Amendments to the Regulation for In-Use On-Road Diesel-Fueled Vehicles
(Truck and Bus Regulation)

Resolution 14-41

November 20, 2014

Agenda Item No.: 14-9-7

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, on April 24, 2014, the Board conducted a public hearing to consider the proposed Amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants From In-Use Heavy Duty Diesel-Fueled Vehicles (Truck and Bus Amendments or Amendments), as set forth in Appendix A to the Initial Statement of Reasons released to the public on March 5, 2014;

WHEREAS, following the close of public comment, the Board approved Resolution 14-3, in which the Board approved written responses to environmental comments received during the 45-day comment period, as set forth in Attachment B to that resolution, and approved the Truck and Bus Amendments, as set forth as Attachment A to that resolution, as modified by the changes presented at the hearing and directed by the Board to be carried out by staff;

WHEREAS, Resolution 14-3 directed the Executive Officer to: make the modified regulatory language, and any other conforming modifications, available for public comment, with any additional supporting documents and information, for a period of at least 15 days; 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, the modified regulatory language and supporting documentation was circulated for a 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 July 1, 2014 to July 17, 2014, and an additional 15-day public comment period was provided for additional modified regulatory language from September 12, 2014, to September 29, 2014;

WHEREAS, staff completed the Final Regulation Order for the Truck and Bus Amendments, as set forth in Attachment A, which reflects changes directed by the Board at the April 2014 hearing and circulated for public comment during the two 15-day comment periods;

WHEREAS, staff prepared written responses to comments received during the 45-day and 15-day comment periods that "raise significant environmental issues associated with the proposed action," in accordance with California Code of Regulations, title 17, section 60007(a), as set forth in Attachment B;

WHEREAS, all other public comments will be responded to in writing in the Final Statement of Reasons (FSOR) as required by the Administrative Procedures Act (Government Code section 11340, et seq.), and will be made available in electronic form on the ARB rulemaking webpage when the rulemaking file is submitted to the Office of Administrative Law;

WHEREAS, the Truck and Bus Regulation, as reflected in the Final Regulation Order, continues to provide substantial emissions reductions, which are necessary to meet State and federal air quality standards, reduces premature deaths attributable to exposure to emissions of particulate matter less than 2.5 micrometers (PM2.5), and reduces exposure to diesel particulate matter (PM) to meet the State's goals established in the Diesel Risk Reduction Plan;

WHEREAS, the Truck and Bus Regulation, as reflected in the Final Regulation Order, will continue to lead to emission reductions, achieving approximately 93 percent of the cumulative emissions reductions and equivalent reductions by 2020 when compared to reductions projected for the Regulation in 2010, which was based on the expectation that all fleets would comply as required;

WHEREAS, the Amendments better ensure the air quality benefits originally envisioned for the Regulation by providing greater levels of compliance through: lower cost compliance options for small fleets, low mileage fleets, and fleets in areas with cleaner air; new opportunities for fleet owners to access public incentive funds; and recognizing fleet owners that made early investments to comply;

WHEREAS, the Truck and Bus Amendments ensure California's air quality obligations under the Clean Air Act (CAA) and the goals of the Diesel Risk Reduction Plan are met by providing real emission benefits from these fleets through continued reductions in emissions as the Regulation is implemented;

WHEREAS, public hearings and other administrative proceedings were held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), part 1, division 3, title 2 of the Government Code;

WHEREAS, in consideration of the Final Regulation Order, the Initial Statement of Reasons, written comments received, public testimony, staff's presentation at the hearing conducted April 24th and 25th, 2014, and staff's written responses to environmental

comments, as set forth in Attachment B to this resolution, the Board reaffirms the recitals and findings contained in Resolution 14-3 incorporated by reference herein; and

WHEREAS, the Board finds, based on the entirety of the record, substantial evidence that:

- The amendments will not result in any significant adverse impacts on the environment;
- The amendments do not result in any increases in emissions compared to existing environmental conditions since emissions of diesel PM, oxides of nitrogen (NOx), and other criteria pollutants will continue to drop from today's levels as a result of the Truck and Bus Regulation, as amended here;
- Despite a projected near-term delay in some emissions benefits compared to reductions projected to be achieved by the Regulation as amended in 2010 (based on the assumption of full compliance), the Regulation still achieves the same projected NOx benefits in 2018, the same projected PM benefits in 2020, and will continue to achieve State Implementation Plan commitments necessary to meet federal air quality standards.

NOW, THEREFORE, BE IT RESOLVED that the Board approves the written responses to environmental comments prepared by staff, as set forth in Attachment B, which shall supercede and replace the written responses approved by the Board in Resolution 14-3.

BE IT FURTHER RESOLVED that the Board adopts the Final Regulation Order for the Amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants From In-Use Heavy Duty Diesel-Fueled Vehicles, California Code of Regulations, title 13, section 2025, as set forth in Attachment A.

BE IT FURTHER RESOLVED 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.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to finalize the FSOR and submit the rulemaking package to Office of Administrative Law by December 1, 2014, and seek expedited review to ensure an effective date of December 31, 2014.

I hereby certify that the above is a true and correct copy of Resolution 14-41 as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board

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Resources Agency of California

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Identification of Attachments to the Board Resolution

Attachment A: Final Regulation Order for the Amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants From In-Use Heavy Duty Diesel-Fueled Vehicles, California Code of Regulations, title 13, section 2025.

Attachment B: Written Responses to Environmental Comments Received regarding the Truck and Bus Amendments.