

State of California
AIR RESOURCES BOARD

Executive Order R-17-001

*Relating to the Public Hearing to Adopt Amendments to the Small Containers of
Automotive Refrigerant Regulation*

WHEREAS, on April 22, 2016, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed amendments to the Small Containers of Automotive Refrigerant Regulation, as set forth in Appendix A to the Initial Statement of Reasons released to the public on March 1, 2016 and revised and reposted on March 3, 2016;

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 under California Code of Regulations, title 14, section 15061(b)(3) ("common sense exemption) because the evidence in the record shows with certainty that there is no possibility that the proposed amendments may result in a significant adverse impact on the environment, as described in Chapter III of the Staff Report;

WHEREAS, following the public hearing, the Board adopted Resolution 16-5 in which the Board approved for adoption amendments to sections 95362, 95364, 95366, 95367, and 95369 Title 17 California Code of Regulations, adoption of new sections 95364.1 and 95367.1, title 17, California Code of Regulations, and to Sections 2.3(B) and 2.4(A) of the incorporated Certification Procedures for Small Containers of Automotive Refrigerant as set forth in Attachment A, Attachment B, and Attachment C of that resolution;

WHEREAS, Resolution 16-5 directed the Executive Officer to make the modified regulatory language in Attachment C to that resolution and 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 two 15-day public comment periods, 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 August 26, 2016 through September 12, 2016, and from October 11, 2016 through October 26, 2016;

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

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 16-5 are incorporated herein.

IT IS FURTHER ORDERED that amended sections 95362, 95364, 95364.1, 95366, 95367, 95367.1 and 95369, Title 17 California Code of Regulations, which incorporate by reference the following amended document: Certification Procedures for Small Containers of Automotive Refrigerant, are adopted as set forth in Attachments 1 and 2 to this Order.

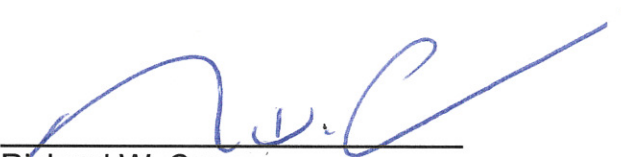
IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 17th day of January, 2017 at Sacramento, California.

FILED

MAR 02 2017

Resources Agency of California


Richard W. Corey
Executive Officer

Attachments