

Second Notice of Public Availability of Modified Text and Availability of Additional Documents

Advanced Clean Fleets Regulation

First Public Hearing Date: October 27, 2022

Second Public Hearing Date: April 27-28, 2023

Public Availability Date: August 4, 2023

Deadline for Public Comment: August 21, 2023

This notice announces a second supplemental comment period on additional proposed modifications and documents for the Proposed Advanced Clean Fleets Regulation ("Proposed Regulation", "ACF", or "Regulation").

At its October 27, 2022, public hearing, the California Air Resources Board (CARB or Board) considered staff's proposal to add sections: 2013, 2013.1, 2013.2, 2013.3, 2013.4, 2014, 2014.1, 2014.2, 2014.3, 2015, 2015.1, 2015.2, 2015.3, 2015.4, 2015.5, 2015.6, and 2016, of Title 13, California Code of Regulations (CCR), which would accelerate the widespread adoption of zero-emissions vehicles (ZEV) in the medium- and heavy-duty sector and for light-duty package delivery vehicles. The Proposed Regulation would require certain fleets to deploy ZEVs starting in 2024 and would establish a clear end date for new medium- and heavy-duty internal combustion engine vehicle sales.

The Board directed the Executive Officer to determine if additional conforming modifications to the Proposed Regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days in accordance with Government Code section 11346.8. On March 23, 2023, CARB issued a "Notice of Public Availability of Modified Text and Availability of Additional Documents" (First 15-Day Changes). The notice was published on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/acf22/15daynotice.pdf>. The 15-day comment period closed on April 7, 2023. CARB staff received 177 written comments during the 15-day comment period.

CARB staff reviewed all 177 written public comments, evaluated the verbal testimony from the October 27, 2022, hearing, and followed up with stakeholders who submitted information to the rulemaking record. On April 17, 2023, CARB staff posted written responses to the Draft Environmental Analysis (EA) and the Final EA for public review, and presented the Final EA, Response to Comments, Proposed Resolution 23-13, and

recommended changes to the Proposed Regulation to the Board at its second public hearing on April 27, 2023.

At the conclusion of the April 27, 2023, hearing, the Board adopted Resolution 23-13. Resolution 23-13 directed the Executive Officer to make the modified regulatory language and any additional conforming modifications available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days.

Resolution 23-13 also directed the Executive Officer to determine if additional sufficiently related modifications to the Regulation was appropriate. The Resolution allows the Executive Officer to (1) revise the adopted regulations with grammatical and other nonsubstantial changes, indicate them as such, and add them to the rulemaking record; (2) Determine that additional sufficiently related substantial modifications are appropriate, the modified regulatory language shall be made available for public comment, with any additional supporting documents and information, for at least 15 days, and the Executive Officer shall consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days; or (3) Rather than take action on the proposed modifications, the Executive Officer may instead present the modifications, and any appropriate further environmental review associated with the modifications, to the Board for further consideration, if the Executive Officer determines further Board consideration is warranted.

On June 13, 2023, CARB submitted the rulemaking package to the Office of Administrative Law (OAL) for review.

On July 26, 2023, CARB withdrew the rulemaking package from OAL. CARB is making changes to the proposed regulatory text to improve clarity. The proposed modifications consist primarily of revisions to the five-day pass provision and removing language that sunsetted provisions of the Advanced Clean Trucks (ACT) regulation at the end of the 2035 model year (the latter of which did not need to be finalized in this rulemaking action for ACF). The proposed modifications also include minor clarifications to various reporting, recordkeeping, and compliance requirements, and nonsubstantial corrections to grammar and punctuation. The text of the modified regulatory language is shown in Appendices A-1 through A-4 of this notice. CARB is also adding additional documents to the rulemaking record to incorporate updated information, including its response to a comment that broadly alleged that CARB misrepresented the emissions benefits of the ACF regulation by not conducting a full life-cycle analysis of greenhouse gas emissions. CARB provided that response in its Response to Comments on the Draft EA for the ACF regulation, which was issued on April 17, 2023. Please note that the inclusion of that response into rulemaking record does not mean that CARB is opening a new CEQA comment period for this rulemaking action.

CARB will resubmit the Proposed Regulation to OAL to ensure that OAL will be able to confirm that the Proposed Regulation complies with the requirements of Government Code section 11349.1. The proposed changes set forth in Appendices A-1 through A-4 of this

notice, released August 4, 2023, are shown in underline to indicate additions, and strikeout to indicate deletions.

The Final Statement of Reasons (FSOR) will be amended with responses to all timely-filed comments received during the noticed comment period. The Administrative Procedure Act requires that staff responds to timely comments received regarding all noticed changes. Therefore, staff will only address comments received during this second 15-day comment period that are responsive to this notice, documents, or the changes detailed in Appendices A-1 through A-4 of this notice.

Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the nonsubstantial revisions made to improve clarity.

A. State and Local Government Fleets

The following numbered list provides the purpose and rationale for staff's proposed changes to the draft regulation order provided as Appendix A-1.

(A) Section 2013

1. In section 2013(b), the definition of "model year" was modified to add "pursuant to title 17, CCR, section 95662(a)(16)" to be consistent with the definition of "model year" in other sections, as this reference to the CCR section was erroneously excluded.
2. In section 2013(b), the definition of "vehicle purchase" was modified to add "or to enter into a lease agreement with a contract term of one year or more" to the definition, and added the term "purchaser" to the sentence "and has already paid for...". These changes are necessary to be consistent with other portions of the regulation with the same definition, as the lease agreement language, "purchaser", and conforming changes to the sentence structure were erroneously excluded.
3. In section 2013(b), subsection (B) of the definition of "vehicle purchase", the term "authorized dealer" was added to the list of entities with which a fleet owner may enter into a written purchase agreement. This change is necessary to be consistent with other portions of the regulation with the same definition, as the term was erroneously excluded.

(B) Section 2013.1

1. In section 2013.1(b), the phrase "a calendar" was removed and replaced with "an" in the phrase "fleet owners may request a calendar exemption". This change is necessary as the word calendar was erroneously included and was removed to be

consistent with other portions of the regulation with the same requirements and was surplus language that was not necessary and would not change the meaning.

2. In section 2013.1(d)(2)(E), the sentence "Otherwise, the Executive Officer will rely on the information specified in sections 2013.1(d)(2)(A) through (G) and their good engineering judgement to determine if the information established that the criteria specified in sections 2013.1(d)(2)(C) through (G) are met, and the exemption will be approved," was removed from the subsection. This change is necessary because the language is redundant with similar language already present in section 2013.1(d)(2).

B. Drayage Fleet Requirements

The following numbered list provides the purpose and rationale for staff's proposed changes to the draft regulation order provided as Appendix A-3.

(A) Section 2014

1. In section 2014 (b), language was added to the definition of the "CARB Online System" to clarify that the CARB Online System is "the Truck Regulation Upload Compliance and Reporting System (TRUCRS)." This change was necessary to clarify that CARB will be using TRUCRS as the CARB Online System for drayage truck owners or entities with common ownership or control of drayage trucks to report specified information regarding their drayage trucks.

(B) Section 2014.1

1. In sections 2014.1(a)(7)(F) and 2014.1(a)(7)(G), language was modified to change "Reporting parameters are detailed on the CARB Advanced Clean Fleets website..." to "This information must be reported to CARB using the CARB Advanced Clean Fleets website...". This change was necessary because the previous language erroneously referred to "reporting parameters", which could be read to imply that additional parameters were available on the website; this is incorrect, and this was originally intended to just direct seaport and railyard authorities to the website on which the information required in these sections of the regulation must be reported.

C. High Priority and Federal Fleets

The following numbered list provides the purpose and rationale for staff's proposed changes to the draft regulation order provided as Appendix A-2.

(A) Section 2015

1. In section 2015(a)(1)(A), the phrase "the prior to" was removed from the phrase "...in the calendar year immediately preceding the prior to the current calendar year." This change is necessary because the phrase was erroneously included, was removed to be consistent with other portions of the regulation with the same

requirements and was surplus language that was not necessary and would not change the meaning.

(B) Section 2015.1

1. In section 2015.1(c)(7), the phrase "at any time" was removed from the end of the sentence to align the regulation language with similar provisions in the State and Local Government fleet article 3.2. The change is necessary because the term "at any time" is surplusage and is not necessary. It does not change the meaning as fleet owners can already claim this provision at any time without the specifying language.
2. In section 2015.1(c)(8), language was modified to change "report to claim" to "request". This change is necessary to conform with other changes to the five-day pass provision and improve readability.

(C) Section 2015.2

1. In section 2015.2(d), language was modified to change "should" to "shall". This change is necessary to ensure fleet owners will only count each vehicle once in the rental vehicle provision.
2. In section 2015.2(f)(8), language was modified to change "report to claim" to "request". This change is necessary to conform with other changes to the five-day pass provision and improve readability.

(D) Section 2015.3

1. In section 2015.3(e)(2)(E), the sentence "Otherwise, the Executive Officer will rely on the information specified in sections 2015.3(e)(2)(A) through (G) and their good engineering and business judgement to determine if the information established that the criteria specified in sections 2015.3(e)(2)(C) through (G) are met, and the exemption will be approved," was removed from the subsection. This change is necessary because the language is redundant with similar language already present in section 2015.3(e)(2).
2. In section 2015.3(g), language was revised to change the five-day pass provision and specify that the pass may be requested from the Executive Officer and that the pass will be granted if criteria specified in newly added subsections are met. This change is necessary to clearly identify where in the regulation the fleet owner can find the criteria, and to establish that fleet owners must meet the criteria to receive a pass. Additionally, this is necessary to set forth the expectation that passes can be granted immediately if all criteria are met. Language was moved specifying the start and end time of a granted pass, and language was moved specifying the pass cannot be changed once issued. These changes were made to improve readability without changing the criteria. Language was modified to specify information that the vehicle's operator must carry and provide to CARB enforcement personnel upon request. This can be physical or electronic copies of an approved pass, or a copy of an email submitted to TRUCRS@arb.ca.gov pursuant to newly added subsection (1). The physical or electronic copies of an approved pass did not change from the

proposal but was moved in the language to conform with other changes to the provision. The language previously specifying evidence must be provided was modified to instead be a copy of an email to be more specific about how to document that the fleet owner had requested a pass is the system is down for maintenance or otherwise not available for reporting, to conform with the new requirement specified in section 2015.3(g)(1). This change is necessary to ensure the provision is enforceable when the vehicle operator is inspected by CARB enforcement staff, and to establish expectations for the fleet owner and an alternative method to document they could not get a pass using the online system. Finally, language specifying that if no response is received from the Executive Officer within five days of requesting a pass pursuant to newly added subsection (1), that the pass would be deemed approved for that vehicle was moved to conform with other changes to the provision. This is necessary to recognize that while the system is coded to automatically approve a pass if all criteria are met, that sometimes issues with the system can occur which would delay an automatic approval. Additionally, this is necessary to allow time for staff to manually review the request if the system is down for maintenance or otherwise not available for reporting.

3. In section 2015.3(g), a new subsection (1) was added to specify that fleet owners must submit entity information specified in sections 2015.4(c)(1)(A) through (K) and section 2015.4(c)(1)(O) and vehicle information specified in sections 2015.4(c)(2)(A) through (G) and section 2015.4(c)(2)(M) to request a pass, and must additionally indicate the requested date of entry, and specifies this reporting must take place in the TRUCRS reporting system. This change is necessary to narrow what information must be reported outside the annual reporting period and where it must be reported to request a pass. The information specified continues to include the information necessary to identify the entity requesting the pass. The vehicle information was narrowed to the specified information for a truck that was not part of the California fleet and is necessary to identify the vehicle using the pass. Language was added to specify if the TRUCRS reporting system is down for maintenance or otherwise not available for reporting, the fleet owner must email *TRUCRS@arb.ca.gov* with the required information. This change is necessary to set forth what a fleet owner must do to demonstrate action to claim a pass in the case of the system being unavailable.
4. In section 2015.3(g), a new subsection (2) was modified to specify that a fleet owner may request a pass if the vehicle for which the pass is requested has not been operated in California and has not been issued a pass during the requested calendar year of entry. This change is necessary to set forth the criteria fleet owners must meet before applying for a pass. This language is necessary because the pass is for non-compliant vehicles to enter California without being considered as part of the California fleet. The pass would not be needed if the vehicle was compliant. Additionally, the requirement that a pass has not already been issued to the vehicle is necessary to prevent fleet owners from attempting to claim multiple passes for the same vehicle in a calendar year.

(E) Section 2015.4

1. In section 2015.4(c)(2), subsection (Q) was moved into the five-day pass provision in section 2015.3(g) to conform with other changes to the five-day pass provision. This change is necessary as the information no longer needs to be listed in the annual reporting section, as the fleet owner would have already provided the information when initially requesting the pass per the revised requirements of section 2015.3(g).

(F) Section 2015.5

1. In section 2015.5, the phrase "upon request or make them available" was removed from the sentence "Fleet owners must make such records available in an electronic or paper format upon request or make them available to CARB staff within 72 hours of a written or verbal request for audit." This change is necessary because the phrase was surplus language that was not necessary and would not change the meaning and was removed to be consistent with other portions of the regulation with the same requirements.

D. 100 Percent ZEV Sales

The following numbered list provides the purpose and rationale for staff's proposed changes to the draft regulation order provided as Appendix A-4.

(A) Section 2016

1. In section 2016, subsection (a) was removed and subsequent subsections were renumbered to accommodate the removal. This change is necessary as the initially proposed provision does not need to be finalized in this rulemaking action for ACF. Instead, staff intends to prepare and present proposed amendments to the ACT regulation for the Board's consideration in the next few years, and will more fully examine the necessity of including the proposed provision in the course of those subsequent rulemaking actions.
2. In renumbered section 2016(b), the definition of "model year" was modified to "the production period as assigned by the manufacturer when certifying an engine or vehicle for sale, pursuant to title 17, CCR, section 95662(a)(16)." This change is necessary to align with the definition of "model year" in the other regulation sections. This does not change the originally proposed meaning.
3. In renumbered section 2016(f), the reference to section 2016(f) was changed to section 2016(e) to conform with modifications to the numbering.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantial and are not described above.

Reference Corrections

The following references were included in either the Initial Statement of Reasons and the associated appendices and attachments, released to the public on August 30, 2022, and available for comment on September 2, 2022, or the Notice of Public Availability of Modified Text and Availability of Additional Documents and Information, released to the public and available for comment on March 23, 2023.

(B) Initial Statement of Reasons

30. North American Council for Fuel Efficiency, *Viable Class 7/8 Electric, Hybrid, and Alternative Fuel Tractors*, 2019 (web link: <https://nacfe.org/future-technology/viable-class-7-8/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

44. CALSTART, *Zero-emission Technology Inventory (ZETI) Analytics*, 2021 (web link: <https://globaldrivetozero.org/tools/zeti-analytics-archive/v2/>, last accessed July 2023).

This reference was corrected because the original file published date was 2021. The information relied upon has not changed, however, the access date has been updated.

84. SpecialtyResearch.net, *Truck Body Manufacturing in North America*, 2018 (web link: <https://www.specialtyresearch.net/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

88. California Air Resources Board, *EMFAC 2021 Database*, 2021 (web link: <https://arb.ca.gov/emfac/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or was inaccessible. The information relied upon has not changed, however, the access date has been updated.

94. California Air Resources Board, *Draft 2022 State Strategy for the State Implementation Plan*, 2022 (web link: https://ww2.arb.ca.gov/sites/default/files/2022-01/Draft_2022_State_SIP_Strategy.pdf, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or was inaccessible. The information relied upon has not changed, however, the access date has been updated.

119. DOE, *Summary Report on EVs at Scale and the U.S. Electric Power System*, 2019 (web link: <https://www.energy.gov/eere/vehicles/articles/summary-report-evs-scale-and-us-electric-power-system-2019>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

150. E3, EVGrid: Electric Vehicle Grid Impacts Model, 2022 (web link: <https://www.ethree.com/tools/electric-vehicle-grid-impacts-model-2/>, last accessed August 2022).

The publish date of the reference was corrected to match the webpage of the record on file.

189. California Air Resources Board, 2020 Mobile Source Strategy, October 28, 2021. (web link: https://ww2.arb.ca.gov/sites/default/files/2021-12/2020_Mobile_Source_Strategy.pdf, last accessed August 2022).

This reference has a correction: the publication date was changed from April 23, 2021, to October 28, 2021.

191. Office of Environmental Health Hazard Assessment, CalEnviroScreen 4.0, 2021 (web link: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

201. CalRecycle, California's Short-Lived Climate Pollutant Reduction Strategy, 2020 (web link: <https://calrecycle.ca.gov/organics/slcp/>, last accessed July 2023).

This reference has a correction the publication date was changed from 2016 to October 28, 2020. The information relied upon has not changed, however, the access date has been updated.

224. U.S. EPA, Integrated Science Assessment for Particulate Matter (Issue EPA/600/R-19/188), 2019 (web link: <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=347534>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

230. Fann N, Baker K, Chan E, Eyth A, Macpherson A, Miller E, Snyder J., Assessing Human Health PM2.5 and Ozone Impacts from U.S. Oil and Natural Gas Sector Emissions in 2025, *Environ. Sci. Technol.* 52 (15), pp 8095–8103, 2018 (web link: <https://pubs.acs.org/doi/abs/10.1021/acs.est.8b02050>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

246. U.S. EPA, Integrated Science Assessment for Particulate Matter (EPA/600/R-19/188), 2019 (web link: <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=347534#tab-3>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

254. U.S. EPA, Integrated Science Assessment (ISA) for Ozone and Related Photochemical Oxidants, Issue EPA/600/R-20/012, 2020 (web link: <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=348522>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

255. Gharibi H, Entwistle MR, Ha S, Gonzalez M, Brown P, Schweizer D, Cisneros R., Ozone pollution and asthma emergency department visits in the Central Valley, California, USA, during June to September of 2015: a time-stratified case-crossover analysis, *J Asthma*, 2019 Oct;56(10):1037-1048. doi: 10.1080/02770903.2018.1523930. Epub 2018 Oct 9. PMID: 30299181.

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

270. Institute of Transport Economics, Experiences from Battery-Electric Truck Users in Norway, 2019 (web link: <https://www.mdpi.com/601754>, last accessed July 2023).

This reference has a correction the publication date was changed from 2020 to 2019. The information relied upon has not changed, however, the access date has been updated.

293. Health and Safety Code section 39711 tasks CalEPA with identifying DACs based on "geographic, socioeconomic, public health, and environmental hazard criteria." CalEPA uses CalEnviroScreen to score California communities based on environmental pollution burden and socio-economic indicators. Its updated DAC Designations, released May 3, 2022, include the twenty-five percent highest-scoring census tracts. CalEPA, California Climate Investments to Benefit Disadvantaged Communities, 2022 (web link: <https://calepa.ca.gov/envjustice/ghginvest/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

317. BNNBloomberg, Nikola Founder Builds \$7.4 Billion Fortune Off Free Truck Orders, 2020 (<https://www.bnnbloomberg.ca/nikola-founder-builds-7-4-billion-fortune-off-free-truck-orders-1.1449506#:~:text=His%20company%20has%20sent%20his,of%20revolutionizing%20the%20trucking%20industry>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

374. California Air Resources Board, Infrastructure Cost Analysis, 2021.

The reference was inadvertently omitted when the package was originally submitted to OAL. The information relied upon has not changed.

382. Penn State LTI Bus Research and Testing Center, Motor Coach Industries D45 CRTeLE, 2020 (web link: <http://apps.altoonabustest.psu.edu/buses/reports/522.pdf?1608733416>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

383. Penn State LTI Bus Research and Testing Center, GreenPower Motor Company EV Star, 2020 (web link: <http://apps.altoonabustest.psu.edu/buses/reports/515.pdf?1603821665>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

386. California Air Resources Board, Battery-Electric Truck and Bus Charging Calculator, 2021 (web link: https://ww2.arb.ca.gov/sites/default/files/2019-02/chargecalc_2.xls, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

394. U.S. Energy Information Administration, Annual Energy Outlook 2019-2022, Table 3 Energy Prices by Sector and Sources, Pacific Region, 2022 (web link: <https://www.eia.gov/outlooks/aeo/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

408. Internal Revenue Service, Publication 542, Corporation, January 2022 (web link: <https://www.irs.gov/publications/p542>, last accessed July 2023).

This reference has been corrected, publication date was changed from 2021 to January 2022.

424. California Air Resources Board, California's 2022 Climate Change Scoping Plan, Appendix E: Sustainable Communities, 2022 draft (web link: https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp-appendix-e-sustainable-and-equitable-communities_0.pdf, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

482. Senator Levya, letter to CARB, October 27, 2021 (web link: <https://ww2.arb.ca.gov/resources/documents/senator-levya-letter-regarding-diesel-vehicle-turnover>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

The following reference numbers are not considered documents relied upon and are not required to be saved for the rulemaking record: 4, 5, 10, 67, 68, 69, 70, 71, 73, 77, 81, 82, 98, 102, 106, 111, 120, 131, 140, 144, 152, 168, 171, 172, 176, 178, 179, 202, 211, 212, 265, 285, 286, 287, 295, 339, 349, 373, 397, 405, 417, 418, 421, 422, 433, 434, 443, 445, 446, 447, 448, 457, 461, 462, 467, 471, 472.

(C) Appendix C-1

1. California Department of Transportation. September 2018. Final Report California Vehicle Inventory and Use Survey Volume I—Truck Survey (CA-VIUS). Last Accessed July 2023

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

8. North American Council for Fuel Efficiency, Regional Haul, 2022 (web link: <https://nacfe.org/wp-content/uploads/edd/2022/05/HD-Regional-Haul-Report-FINAL.pdf>, last accessed July 2023).

This reference has since been updated. Corrections have been made to the link, publish date and access date have been changed.

9. North American Council for Fuel Efficiency, Viable Class 7/8 Electric, Hybrid, and Alternative Fuel Tractors, 2019 (web link: <https://nacfe.org/future-technology/viable-class-7-8/>, last accessed July 2023).

This reference was corrected because the original file that was saved for the rulemaking record was not complete or inaccessible. The information relied upon has not changed, however, the access date has been updated.

12. CALSTART, Zero-emission Technology Inventory (ZETI) Analytics, 2021 (web link: <https://globaldrivetozero.org/tools/zeti-analytics-archive/v2/>, last accessed July 2023).

This reference was corrected because the original file published date was 2021. The information relied upon has not changed, however, the access date has been updated.

17. California Air Resources Board, Fleet Rule for Public Agencies and Utilities, 2005 (web link: <https://ww2.arb.ca.gov/our-work/programs/fleet-rule-public-agencies-and-utilities/about>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

19. California Air Resources Board, Truck and Bus Regulation, 2008 (web link: <https://ww2.arb.ca.gov/our-work/programs/truck-and-bus-regulation/about>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

21. California Air Resources Board, Innovative Clean Transit, 2018 (web link: <https://ww2.arb.ca.gov/our-work/programs/innovative-clean-transit/about>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

22. California Air Resources Board, Zero-Emission Airport Shuttle, 2019 (web link: <https://ww2.arb.ca.gov/our-work/programs/zero-emission-airport-shuttle/about>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

25. California Air Resources Board, Advanced Clean Trucks, 2020 (web link: <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks/about>, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

28. California Air Resources Board, 2022 State Strategy for the State Implementation Plan (2022 State SIP Strategy), 2022 (web link: https://ww2.arb.ca.gov/sites/default/files/2022-08/2022_State_SIP_Strategy.pdf, last accessed July 2023).

The link was corrected on this reference. The information relied upon has not changed, however, the access date has been updated.

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Additional Documents Added to the Record

In the interest of completeness and in accordance with Government Code section 11347.1, subdivision (a), staff has also added to the rulemaking record the following additional documents.

On April 17, 2023, CARB staff issued its Response to Comments on the Draft EA for the ACF regulation. That document included CARB's responses to comments submitted during public comment periods beginning September 2, 2022 and ending October 17, 2022, beginning March 23, 2023 and ending April 7, 2023, and during a public hearing on October 27, 2022 that raised significant environmental issues related to its analysis of the Draft EA. The above-mentioned comments and CARB's response to such comments were provided to CARB's Board for its consideration before it certified the Final EA on April 27, 2023, when the Board adopted Resolution 23-13.

CARB is now adding its response to comment 270-4, from the Response to Comments on the Draft EA, into the rulemaking record. This comment broadly alleged that CARB misrepresented the emissions benefits of the ACF regulation because it did not "conduct a full life-cycle greenhouse gas emissions assessment ... to assess greenhouse gas emission

impacts of their proposal and alternatives.”¹ CARB’s response to this comment included, in pertinent part, a quantitative assessment of the greenhouse gas emissions of the Proposed Project compared to the legal baseline.

Please note that while CARB allows comment on the included document per APA requirements the inclusion of response to comment 270-4 into the rulemaking record does not mean that CARB is opening a new CEQA comment period for this rulemaking action.

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These documents, and the corrected documents listed previously, are available for inspection at the California Air Resources Board, 1001 I Street, Sacramento, California, 95814, between the hours of 9:00am to 4:00pm, Monday through Friday (excluding holidays). To inspect these documents please contact Bradley Bechtold, Regulations Coordinator, at (279) 208-7266.

Agency Contacts.

Inquiries concerning the substance of the Proposed Regulation may be directed to Paul Arneja, Air Resources Engineer, In-Use Control Measures, at (279) 208-7342 or (designated back-up contact) Craig Duehring, Manager, In-Use Control Measures at (279) 208-7369.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than the due date to the following:

Postal mail: Clerks’ Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <https://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 CARB in one of the two forms described above and received by CARB no later than 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 Clerks' Office 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.

California Air Resources Board



Steven S. Cliff, Ph.D.
Executive Officer

Date: August 4, 2023

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see CARB's website (www.arb.ca.gov).