



EXECUTIVE ORDER S-20-030

Adoption and Submittal of Technical Clarifications to the South Coast On-Road Heavy-Duty Incentive Measure

WHEREAS, the California Legislature in Health and Safety Code (H&SC) section (§) 39602 has designated the California Air Resources Board (CARB or Board) as the air pollution control agency for all purposes set forth in federal law;

WHEREAS, H&SC § 39600 and 39601 authorize CARB 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, CARB is responsible for preparing a State Implementation Plan (SIP) for attaining and maintaining the national ambient air quality standards (NAAQS) as required by the federal Clean Air Act (the Act; 42 U.S.C. section 7401 et seq.), and to this end is directed by H&SC § 39602 to coordinate the activities of all local and regional air pollution control and air quality management districts (districts) necessary to comply with the Act;

WHEREAS, H&SC § 39602 also provides that the SIP shall include only those provisions necessary to meet the requirements of the Act;

WHEREAS, H&SC § 39515 and 39516 provide that any power, duty, purpose, function, or jurisdiction of the Board may be delegated to the Board's Executive Officer as the Board deems appropriate

WHEREAS, H&SC § 39516 provides that any power, duty, purpose, function, or jurisdiction of the Board is presumed to be delegated to the Board's Executive Officer, unless the Board has expressly reserved the same as requiring the Board's action;

WHEREAS, CARB has primary responsibility for the control of air pollution from vehicular sources, including motor vehicle fuels, as specified in H&SC § 39002, 39500, and part 5 (commencing with section 43000), and for ensuring that the districts meet their responsibilities under the Act pursuant to H&SC § 39002, 39500, 39602, 40469, and 41650;

WHEREAS, the districts have primary responsibility for the control of air pollution from non-vehicular sources and for adopting control measures, rules, and regulations to attain the NAAQS within their boundaries pursuant to H&SC § 39002, 40000, 40001, 40701, 40702, and 41650;

WHEREAS, on March 22, 2018, the Board adopted Resolution 18-3, *South Coast On-Road Heavy-Duty Incentive Measure* (South Coast Incentive Measure) to achieve one ton per day of oxides of nitrogen reductions in 2023 and directed the Executive Officer to submit the South Coast Incentive Measure and other appropriate supporting documentation to U.S. EPA for inclusion in the SIP;

WHEREAS, Resolution 18-3, directs the Executive Officer to work with U.S. EPA and take appropriate action to resolve any completeness or approvability issues that may arise regarding the SIP submission and authorizes the Executive Officer to include in the SIP submittal any technical corrections, clarifications, or additions that may be necessary to secure U.S. EPA approval;

WHEREAS, under H&SC § 39516, the Executive Officer may correct, clarify, and add to the South Coast Incentive Measure SIP submittal in order to secure U.S. EPA approval;

WHEREAS, on May 2, 2018, CARB submitted the South Coast Incentive Measure to U.S. EPA as a revision to the California SIP;

WHEREAS, on April 24, 2019, U.S. EPA proposed to approve South Coast Incentive Measure as a revision to the California SIP;

WHEREAS, based on a comments received on the proposed approved, U.S. EPA requested technical clarifications related to the public access to documentation related to the South Coast Incentive Measure;

WHEREAS, the California Public Records Act (Cal. Gov't Code §§ 6250–6276.48) provides a mechanism for public access to all documents relied upon in the preparation of any annual demonstration report and available in the relevant project file, including: project applications, grant contracts, inspection-related documents (including photographic documentation of baseline engine destruction), and any available audit-related documentation and annual grantee reports;

WHEREAS, CARB is required to act in accordance with the California Public Records Act as a state agency; and

WHEREAS, CARB has determined that the following technical clarifications meet the requirements of the Act.

NOW, THEREFORE, under the authority granted by H&SC § 39516, and as directed by Resolution 18-3, the Executive Officer hereby adopts the following technical clarifications in the South Coast Incentive Measure's Resolution 18-3 as shown below:

1. The following language is added a section 4 as shown in the underline below. The language below clarifies the public's access to documentation related to the South Coast Incentive Measure.

Beginning May 15, 2021 and through 2029, provide any requestor, consistent with the California Records Act, all documents relied upon in the preparation of any annual demonstration report and available in the relevant project file, including: project applications, grant contracts, inspection-related documents (including photographic documentation of baseline engine destruction), and any available audit-related documentation and annual grantee reports.

BE IT FURTHER ORDERED that CARB hereby submits to U.S. EPA the technical clarifications and corrections in typographical errors in the South Coast Incentive Measure described herein.

Executed in Sacramento, California, this 23rd day of November, 2020.



Richard W. Corey
Executive Officer