

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

In-Use Locomotive Regulation

Public Hearing Date: November 18, 2022
Second Public Hearing Date: April 27, 2023
Public Availability Date: August 8, 2023
Deadline for Public Comment: August 23, 2023

This notice announces a second supplemental comment period on additional proposed modifications and documents for the In-Use Locomotive Regulation (“Regulation”).

At its November 18, 2022, public hearing, the California Air Resources Board (CARB or Board) considered the Regulation, section 2478 through 2478.17, Title 13, California Code of Regulations. The Regulation would achieve emission reductions from locomotives operating in California. Emission reductions from locomotives are needed to better protect communities from near-source pollution impacts, help meet the current health-based ambient air quality standards, and further California’s climate goals.

The Board directed the Executive Officer to determine if additional conforming modifications to the 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 1, 2023, CARB issued a “Notice of Public Availability of Modified Text and Availability of Additional Documents and Information” (First 15-Day Changes). The notice outlined proposed modifications that provided the Alternative Fleet Milestone Option (AFMO), an additional compliance pathway option that locomotive operators could comply in lieu of the Spending Account (SA) and In-Use Operational Requirements (IUOR), and to provide clarification of requirements. The notice was published on CARB’s website for this rulemaking at

<https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/15daynotice.pdf>.

That 15-day comment period closed on March 16, 2023. Thirteen written comments were received during the 15-day comment period.

CARB staff reviewed all 13 written public comments, evaluated the verbal testimony from the November 18, 2022, hearing and followed up with stakeholders who submitted information to the rulemaking record. On April 14, 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 23-12, and recommended changes to the 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 23-12. Resolution 23-12 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 23-12 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 non-substantial 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 9, 2023, CARB submitted the rulemaking package to the Office of Administrative Law (OAL) for review. On July 21, 2023, CARB withdrew the rulemaking package from OAL. CARB is making changes to the proposed regulatory text. The text of the modified regulatory language is shown in Appendix A to this notice. The proposed changes set forth in Appendix A of this notice, released August 8, 2023, are shown in underline to indicate additions, and strikeout to indicate deletions.

The Final Statement of Reasons 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 Appendix A 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 non-substantive revisions made to improve clarity.

1. Staff adjusted the effective date of the Regulation to January 1, 2024, to allow appropriate time for OAL to review the regulatory package and for operators to prepare to meet regulatory requirements. Staff adjusted dates throughout the regulatory language to reflect the change.
2. Staff updated section 2478 to specify that the Locomotive Regulation encompasses sections 2478 through 2478.17. Staff also added an "authorities cited" note, which had been inadvertently left out previously.
3. Staff added dates and "herein incorporated by reference" to all Code of Federal Regulations (CFR) citations in the Regulation to indicate that the specific federal language, effective as of that date, should be incorporated by reference.
4. In section 2478.3, staff deleted the definition of California Air District. Staff have become aware that Air District level reporting is inconsistent with reporting requirements of other CARB regulations. Although Air District level reporting would provide precise locomotive emissions throughout the State, it is not necessary at this time for CARB to project emissions for individualized districts using State level data.
5. Staff revised the definition of "Operate" for clarity by specifying the definition is inclusive of the terms "Operation," "Operated," "Operating," and "Operations," which are also used in the Regulation.
6. Staff revised the definition of "Usage" to describe how any operator may choose to determine usage in either megawatt-hours (MWh) or by using fuel consumption and the formula provided in section 2478.3(a), to provide operators more reporting flexibility.
7. Staff changed the implementation date for section 2478.4 from the effective date of the Regulation to January 1, 2026. Recently, an unprecedented amount of grant and incentive funding has been made available to locomotive operators. Delaying the SA deposit requirements will allow operators the time needed to secure funding and begin operations of cleaner locomotives before incurring costs in the SA.
8. Staff revised section 2478.4 so that the funds that are required to be deposited into a SA are consistently referred to as the "Spending Account Funding Requirement." This change was necessary to provide consistency and clarity.
9. Staff added subsection 2478.4(a)(1) to explain that locomotive operator that holds sufficient ZE and SA deposit credits to offset their entire SA Funding Requirement would not need to establish a SA until such time as their SA Funding Requirement exceeds their available credits.

10. Staff revised subsection 2478.4(b) to modify the implementation date of the SA Funding Requirement from the July 1, 2024 to July 1, 2026 to be consistent with the change in the SA implementation date. This subsection was also modified to include a statement explaining that the SA Funding Requirement is only necessary if an operator's SA Funding Requirement is greater than zero.
11. Staff modified subsection 2478.4(c) to provide additional details on the SA Funding Requirement.
12. Staff deleted subsection (e) from section 2478.4 to allow for grant funds to be used toward SA funding requirements. The intent of the regulation is to reduce emissions from locomotives; staff determined that disallowing grant funds did not align with the overall intent of the Regulation. This change was also necessary to better align SA implementation with the new subsection (h), described below, which provides credits against the SA funding requirements for qualifying purchases. It would be counterproductive and difficult to enforce if Operators could not use grant funds for such early purchases. Removal of this subsection renumbers subsequent subsections.
13. Staff revised subsection (f) of 2478.4 to explain that the SA Funding Requirement is calculated using calendar years, which is a defined term.
14. Staff revised the equation in subsection of 2478.4(f)(1) to include the term Spending Account Calculation Per Locomotive for accuracy of the equation.
15. Staff deleted subsection 2478.4(h) to remove the per-Air-District-level reporting requirement, for the reasons described in #4, above.
16. Staff created a new subsection (h) in section 2478.4 to remove the need for operators to make a deposit in the SA account prior to using funds, to avoid the need to arbitrarily put in funds and withdraw them immediately for use. This change also avoids a perverse incentive whereby operators might choose to delay purchase of cleaner technology in order to have it count toward their SA funding requirement. The new subsection outlines how operators may use early qualifying SA purchases to receive credit towards their SA funding requirement. Purchases of (zero emission [ZE]) ZE locomotives, ZE rail equipment, and ZE infrastructure will result in credit that can be banked for subsequent years to benefit early adopters of ZE rail technologies and those involved in critical pilot and demonstration projects needed for the advancement of ZE rail technologies. This addition aligns with the SA's intent, which is to encourage the early adoption of cleaner technologies.
17. Staff added subsection 2478.4(j) to allow operators to close their SA if it has a zero balance, but will need to reopen the SA if needed for a future deposit. Staff made this change to remove the need for operators to keep a SA open if there is no balance, which is a possibility given the new credit system introduced in subsection 2478.4(h).
18. Staff revised Subsection 2478.5(a)(2) to add subsection (C), which describes how locomotives older than 23 years, that meet the cleanest current United States Environmental Protection Agency Tier and emission standards, can continue to operate in some cases. Staff made this change because it is possible that under some

circumstances an operator could have had to unnecessarily cease operation of a 23-year old locomotive and replace it with operations from a newer locomotive of the same Tier.

19. Staff revised subsections 2478.5(b) and (c) to clarify that even with the addition of subsection 2478.5(a)(2)(C), locomotives older than 23 years will need to be operated in a ZE configuration while in California as required under the provisions of (b) and (c).
20. Staff revised subsections 2478.5(b)(1) and (c)(1) to add that CARB intends on reviewing safety improvements needed for the operations of ZE as part of the 2027 and 2032 assessments on the progress made in ZE locomotive and ZE rail equipment technologies.
21. Staff deleted subsection 2478.6(a)(4) *Notice of Deficiency* to streamline the extension review process. A notice of disapproval indicating the reasons for disapproval serves the same purpose as a notice of deficiency.
22. Staff deleted subsection 2478.6(a)(5) *Notice of Deficiency* and replaced it with two new subsections (a)(5), which describes the approvals process and (a)(6) which describes the disapproval process. This change was necessary to streamline the extension review process. A notice of disapproval indicating the reasons for disapproval serves the same purpose as a notice of deficiency. In all cases, Operators are free to re-apply after receiving a notice of disapproval if they so choose.
23. In subsection 2478.6(b)(1)(C) and (2)(C), staff removed the word “timely” and instead used “in the 12 months preceding.” This change provides more transparency on the requirements operators must meet.
24. In subsection 2478.6(b)(3), staff added the word “business,” indicating that an Operator must submit an application for a compliance extension at least 90 business days prior to the requested start date. This is needed to provide the Executive Officer with sufficient time to review the application in all cases, and to clarify how the “90 days” are to be measured.
25. Staff deleted subsection 2478.7(f) *Deficiency*, to streamline the application process. A notice of disapproval indicating the reasons for disapproval serves the same purpose as a notice of deficiency.
26. Staff deleted subsection 2478.7(f)(2) and combined requirements with 2478.7(f)(1) to simplify language.
27. Staff modified subsection 2478.7(g) to remove disapproval language and created subsection 2478.7(h) which describes the disapproval process. These changes were necessary to define specific approval and disapproval processes.
28. Staff added subsection 2478.7(i)(2)(D) to clarify that operators that do not comply with other applicable portions of the Regulation can have their Alternate Compliance Plan (ACP) revoked. Staff added this to indicate to operators that an ACP is valid only for the SA and/or IUOR and not Idling, Recordkeeping, Registration, or Reporting.

29. Staff deleted subsection 2478.8(f) *Notice of Deficiency*, to streamline the application process. A notice of disapproval indicating the reasons for disapproval serves the same purpose as a notice of deficiency.
30. Staff modified subsection 2478.8(g) to remove disapproval language and created subsection 2478.8(h) for which describes the disapproval process. These changes were necessary to define specific approval and disapproval processes.
31. Staff revised 2478.8(j)(1)(A) from 2025 to 2026 to harmonize with other reporting deadlines.
32. Staff modified the language in subsection 2478.8(l) to remove disapproval language and created a new subsection 2478.8(m) which describes the disapproval process. These changes were necessary to define specific approval and disapproval processes.
33. Staff changed the implementation date for section 2478.10 from July 1, 2024, to July 1, 2026. This change was necessary because registration information is primarily required to monitor compliance and conduct enforcement in the event of a violation of the Regulation. Since the first SA deposit and first reports are not required until July 1, 2026, registration information is not necessary until July 1, 2026. Idling does not require individual locomotive information to be enforced.
34. Staff deleted subsections 2478.10(a)(2)(O) and (P). Staff deleted subsection (O) because it was duplicative of information already requested in section 2478.14. Staff deleted subsection (P) because staff has become aware some locomotives may not be able to provide this data.
35. Staff deleted subsection 2478.10(d) requiring a properly functioning MWh meter on locomotives because it is not necessary. Operators can calculate usage using fuel consumption in addition to having a MWh meter.
36. Staff changed the first reporting deadline from July 1, 2024, to July 1, 2026. This change was made to align reporting with the first SA deposit and SA reports, which are also now first due on July 1, 2026. While staff acknowledge that there would be value in obtaining earlier emission and idling reports, staff wished to streamline administration of the reporting requirements for both CARB and operators, and thus chose to keep a consistent start date for all reporting requirements.
37. Staff added language to subsection 2478.11(a)(6) to explain that the July 1, 2026, reporting deadline is the default, but that operators may be required to submit some reports sooner. Reporting related to flexibility options—exemptions, extensions, the alternative compliance plan, or the alternative fleet milestone—is tied to that specific option selected by the operator. Thus, a specific report may be required before July 1, 2026, if the operator chooses to apply for a specific flexibility option.
38. Staff deleted subsection 2478.11(b)(2)(A) because it is duplicative of information already provided in the definition of usage.
39. Staff deleted subsection 2478.11(b)(3) because engine hours are not necessary to determine compliance and to reduce reporting burden on operators.

40. Staff revised subsection 2478.11(c) to include the reporting requirements for the newly developed SA Deposit Credit. This includes information that is necessary to verify credit amounts such as receipts for locomotives, contract documents showing pilots and demonstration costs, and proof of deliveries for purchased equipment.
41. Staff revised subsection 2478.11(d)(1) to explain total MWhs since the original build date is only necessary when requesting to operate for longer than 23 years as allowed under section 2578.5(a)(2)(A).
42. Staff revised language in subsection 2478.11(e)(7) to remove language in parentheses which was unnecessary and redundant.
43. Staff revised subsection 2478.11(h) to remove duplicative requests for information and to include a requirement for gross annual revenue, which is needed for CARB to verify that a business has stayed below the revenue threshold for a Small Business Hardship Extension.
44. Staff changed the implementation date for subsection 2478.12(a) from July 1, 2024, to July 1, 2026. This change was required to align with the new implementation dates for the SA, Registration, and Reporting requirements.
45. Staff deleted subsection 2478.13(d) *Notice of Deficiency* to streamline the review process. Staff believes a notice of disapproval indicating the reasons for disapproval serves the same purpose as a notice of deficiency. Additionally, staff revised subsections (d)–(e) to make all application processes for the Regulation consistent.
46. Staff deleted subsection (e) of 2478.14 because it was duplicative.
47. Staff revised subsections 2478.14(f)–(h) to streamline the review process and make it consistent with all other Regulation application processes.
48. Staff revised subsection 2478.14(g)(2)(A) to clarify what requirements fall under section 2478.14(a)(1).
49. Staff revised subsection 2478.14(g)(C) to more clearly explain the other requirements of the Regulation that will need to be fulfilled to prevent a revocation.
50. Staff revised subsection 2478.16(c)(4) to specify that, when assessing penalties for violation of the AFMO, the Executive Officer shall account for the statutory factors that CARB is directed to consider under Health & Safety Code § 42403(b).¹
51. Staff revised section 2478.17 to shorten and simplify the severability provisions.

In addition to the modifications described above, staff corrected grammar, punctuation, and spelling throughout the proposed changes. These changes are nonsubstantive.

¹ Section 42403 deals with penalties assessed for non-vehicular air pollution. A comparable section, Health & Safety Code § 43024, concerns penalties assessed for vehicular air pollution.

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 and invites comments on the following additional documents and corrections.

1. CARB, Yes, the California grid can handle electrification of all switchers at railyards., accessed July 17, 2023. (weblink: <https://ww2.arb.ca.gov/resources/fact-sheets/yes-california-grid-can-handle-electrification-all-switchers-all-railyards>).
2. Casey, Tina, New Autonomous Battery-Electric Trains Are Coming For Your Diesel, CleanTechnica, July 17, 2023. (weblink: <https://cleantechnica.com/2023/05/18/new-autonomous-battery-electric-trains-are-coming-for-your-diesel/>).
3. Stephens, Bill, Can CPKC's hydrogen fuel cell locomotives doom the diesel? Trains.com, accessed July 17, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/can-cpkcs-hydrogen-fuel-cell-locomotives-doom-the-diesel/>).
4. Stephens, Bill, CPKC and CSX team up for hydrogen-powered locomotive project (updated), Trains.com, accessed July 17, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/cpkc-and-csx-team-up-for-hydrogen-powered-locomotive-project/>).
5. Trains.com, California funds to allow expansion of rail facilities at San Joaquin Valley inland port, accessed July 17, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/california-funds-to-allow-expansion-of-rail-facilities-at-san-joaquin-valley-inland-port/>).
6. Trains.com, Sierra Northern receives funding to expand hydrogen locomotive project, accessed July 17, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/sierra-northern-receives-funding-to-expand-hydrogen-locomotive-project/>).
7. Trains.com, Wabtec to build three FLXdrive locomotives for Brazil's Vale, accessed July 17, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/wabtec-to-build-three-flxdrive-locomotives-for-brazils-vale/>).
8. Trains.com, Ballard to provide more hydrogen engines for CPKC locomotive program, 2023. (weblink: <https://www.trains.com/trn/news-reviews/news-wire/ballard-to-provide-more-hydrogen-engines-for-cpkc-locomotive-program/>).
9. Casey, Tina, Wabtec Sends Electric Train Love Letter To World's Largest Iron Mine, CleanTechnica, accessed August 8, 2023. (weblink: <https://cleantechnica.com/2023/07/17/wabtec-sends-electric-train-love-letter-to-worlds-largest-iron-mine/>).
10. Optifuel Systems LLC, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, June 4 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0029>).

11. Innovative Rail Technologies, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, May 23, 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0007>).
12. Westinghouse Air Brake Technologies Corporation (Wabtec), Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, 2023 (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0075>).
13. Glid Autonomous Electric Rail Transport Platform, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, June 2, 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0028>).
14. Wave Charging, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, June 5, 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0052>).
15. TeraWatt Infrastructure, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, June 5, 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0059>).
16. Ballard Power Systems, Development of Guidance for Zero-Emission Clean Heavy-Duty Vehicles, Port Equipment, and Fueling Infrastructure Deployment under the Inflation Reduction Act Funding Programs, June 1, 2023. (weblink: <https://www.regulations.gov/comment/EPA-HQ-OAR-2023-0216-0098>).
17. Cando Rail & Terminals, Li-Ion 2025: Advancing the Zero Emission Fleet of the Future, 2023. (weblink: <https://www.candorail.com/li-ion2025/>).
18. Innovative Rail Technologies, IRT Delivers First Battery-Electric Switcher to Launch Customer, July 26, 2023, accessed August 7, 2023. (weblink: <https://innovativerailtech.com/reducing-rail-emissions-in-california/>).
19. Innovative Rail Technologies, IRT to Deliver First Battery-Electric Locomotive to NUCOR Steel Hertford County, July 31, 2023, accessed August 7, 2023. (weblink: <https://innovativerailtech.com/innovative-rail-technologies-chooses-nmc/>).
20. The Executive Officer determined that the .pdf and .docx (Word) versions of the text of the modified regulatory language published with the First 15 Day Changes incorrectly denoted some of the new deletions and additions to the proposed language described in the First 15 Day Changes. Corrected versions are available at <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/15dayappa1rev.pdf> and <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/locomotive22/15dayappa1rev.docx> and are added to the record via this Notice.

A. Incorporated Documents Added to the Record

1. Code of Federal Regulations (CFR), title 40, section 1033.115(g), March 27, 2023.
2. CFR, title 40, section 1033.101, 2023, March 27, 2023.
3. CFR, title 40, sections 1033.140(d), July 7, 2008.
4. CFR, title 40, sections and 1033.115(h), March 27, 2023.
5. CFR, title 40, section 1033.901, March 27, 2023.
6. CFR, title 40, section 1033.140, July 7, 2008.

Reference Corrections

Staff included the following references in either the Initial Statement of Reasons or the Notice of Public Availability of Modified Text and Availability of Additional Documents and Information published on March 1, 2023.

B. Initial Statement of Reasons

119. U.S. EPA, 40 C.F.R. Part 1033.101, Exhaust Emissions Standards, June 2008.
(weblink: <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-U/part-1033>).
 - a. This reference was corrected to reference the correct section number.
124. CARB, Advanced Clean Trucks, Final Regulation Order, March 15, 2021. (weblink: <https://ww2.arb.ca.gov/rulemaking/2019/advancedcleantrucks>).
 - a. This reference was corrected because the original reference wasn't specific.
129. CARB log: Community Complaints About Locomotives, June 24, 2020.
 - a. This reference was corrected to add a comma before the document date.
133. Chapter V: Air Quality, Section F: Air Quality Impacts.
 - a. This reference was corrected to be more specific.

C. Appendix B – Standardized Regulatory Impact Assessment

40. State of California Department of Finance, Economic Forecasts, California Economic Forecast – Annual and Quarterly, July 2023, last accessed July 25, 2023. (web link: <https://dof.ca.gov/forecasting/economics/economic-forecasts-u-s-and-california/>)
 - a. This was reference needed to be corrected after a file corruption occurred and data could no longer be accessed.

D. Appendix D, Attachment A: Environmental and Regulatory Setting

129. U.S. Census Bureau, Quickfacts: California; United States, 2021, accessed July 25, 2023. (weblink: <https://www.census.gov/quickfacts/fact/table/CA/RHI325219#RHI325219>).

- a. This reference was corrected because the original file was inaccessible.

E. Appendix H: Health Analyses for the Proposed In-Use Locomotive Regulation

16. Propper, R., P. Wong, S. Bui, J. Austin, W. Vance, ? . Alvarado, B. Croes and D. Luo. Ambient and Emission Trends of Toxic Air Contaminants in California, Environmental Science & Technology 49, 2015, pp.11329-11339.

- a. This was reference previously incorrected listed the page numbers as 1329-11339.

The additional documents added to the record and corrected documents 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 or bradley.bechtold@arb.ca.gov.

Emissions Analysis Summary

The proposed modifications outlined in this notice, including changing the implementation dates for the SA, Registration, and Reporting Requirements, would not substantially affect any proposed emission reduction benefits. Between the years 2024 and 2026, staff project emission reductions to be less than one percent of the overall PM and NOx emission reductions of the Regulation.

Cost Analysis Summary

CARB staff expect that the proposed modifications outlined in this notice will have negligible impact to the total costs to Regulation but may change the year-over-year costs found in the Standardized Regulatory Impact Assessment due to the delay of the implementation dates for the SA, Registration, Reporting and Administrative Payment requirements.

Environmental Analysis Summary

The proposed modifications outlined in this notice do not change implementation of the Regulation in a way that would affect the determinations made in the Final EA published on April 14, 2023, and certified on April 27, 2023, when the Board adopted Resolution 23-12. The proposed modifications consist primarily of revisions to provide more clarity in

complying with requirements, as well as changing the implementation dates for the SA, Registration, Reporting, and Administrative Payment requirements. CEQA Guidelines section 15187 requires state agencies to prepare an EA of reasonably foreseeable environmental impacts of the methods of compliance with a proposed regulation; CARB complies with this provision by evaluating the impacts associated with the reasonably foreseeable compliance responses of those entities and persons subject to a proposed regulation. The proposed modifications do not alter any of the reasonably foreseeable compliance responses included in the Final EA, all of which were subject to adequate environmental review in the Final EA. Therefore, since the proposed modifications do not change the reasonably foreseeable compliance responses in the Final EA, no further environmental analysis is required prior to approval of the proposed modifications.

Agency Contacts

Inquiries concerning the substance of the Regulation may be directed to Layla Gonzalez, Staff Air Pollution Specialist, Freight Systems Section, at (279) 208-7827 or Ajay Mangat, Manager, Freight Systems Section, at (279) 208-7827.

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 Regulation 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 8, 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](http://www.arb.ca.gov) (www.arb.ca.gov).