



EXECUTIVE ORDER S-20-031

Adoption and Submittal of Technical Clarifications and Typographical Error Corrections to the San Joaquin Valley Agricultural Equipment 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 December 12, 2019, the Board adopted Resolution 19-26, *San Joaquin Valley Agricultural Equipment Incentive Measure* (Valley Incentive Measure) to achieve 5.9 tons per day (tpd) of oxides of nitrogen and 0.3 tpd of PM2.5 in 2024 and 2025, and directed the Executive Officer to submit the Valley Incentive Measure and other appropriate supporting documentation to U.S. EPA for inclusion in the SIP;

WHEREAS, Resolution 19-26, 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 Valley Incentive Measure SIP submittal in order to secure U.S. EPA approval;

WHEREAS, on February 11, 2020, CARB submitted the Valley Incentive Measure to U.S. EPA as a revision to the California SIP;

WHEREAS, on March 23, 2020, U.S. EPA proposed approval of the Valley Incentive Measure as a revision to the California SIP;

WHEREAS, due to comments received on the proposed action, U.S. EPA requested technical clarifications related to public assess of information and corrections to typographical errors in the Valley 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 these technical clarifications and corrections to typographical errors in the Valley Incentive Measure meet the requirements of the Act.

NOW, THEREFORE, under the authority granted by H&SC § 39516, and as directed by Resolution 19-26, the Executive Officer hereby adopts the following technical clarifications and corrections to typographical errors in the Valley Incentive Measure's Resolution 19-26 as shown below:

1. The language in the first paragraph of section A on page 7 that reads “provided to CARB per sections B, C, & D below” is corrected to read “identified in sections B, C, & D below” as shown in strikeout/underline below.

“Pertaining to ensuring that 5.9 tpd of NO_x and 0.3 tpd of PM_{2.5} emissions reductions occur in 2024 and 5.1 tpd of NO_x and 0.3 tpd of PM_{2.5} emission reductions occur in 2025 from off-road mobile, diesel agricultural equipment replacement projects that have been implemented, in accordance with the Moyer, NRGs, and FARMER Program Guidelines and ~~provided to CARB per~~ identified in sections B, C & D below, CARB will do the following to ensure these reductions are achieved:”

2. The reference to an “annual report” in the first sentence of section A.3 on page 8 is corrected to reference the “annual demonstration report”, as shown in underline below, which is how the report is described throughout the rest of Resolution 19-26.

“By May 15 of each year beginning in 2021 and through 2025, submit an annual demonstration report to U.S. EPA that includes the following information:”

3. The reference to “A.1” in section B.2.c on page 9, is corrected to read “B.1” as shown in strikeout/underline below.

“Identification of each of the Moyer projects referenced in paragraph ~~AB.1~~ B.1 that were implemented through the prior year and each such project, by total projects, project identification number, project life and implementation date, description of replaced (baseline) and new equipment sufficient to independently calculate emission reductions, applicable incentive program guideline(s), and quantified emission reductions;”

4. The reference to the 2017 Moyer Guidelines Chapter 9 in section B.1. on page 9 is corrected to reference Chapter 5 as shown in strikeout/underline below.

“Monitor District implementation of an estimated 2,391 off-road mobile, diesel agricultural equipment replacement projects through 2024, and an estimated 1,968 such projects through 2025, in accordance with the 2011 Moyer Guidelines, Chapters 2, 3, and 9 and Appendices C and D and 2017 Moyer Guidelines, Chapters 2, 3, and ~~9~~ 5, and Appendices C and D;

5. The language “by total projects” in section B.2.c on page 9 (shown below) is corrected to read “and each of such projects” as shown in strikeout/underline below.

“Identification of each of the Moyer projects referenced in paragraph ~~A.1~~ that were implemented through the prior year, ~~by total projects,~~ and each of such projects’ project identification number, project life and implementation date, description of replaced (baseline) and new equipment sufficient to

independently calculate emission reductions, applicable incentive program guideline(s), and quantified emission reductions;”

6. The reference to “paragraph B.2” in section B.3 on page 10 is corrected to read “paragraphs A.3 and B.2” as shown below in underline.

“By May 15 of each year from 2021 through 2030, make each annual demonstration report described in paragraphs A.3 and B.2 available on CARB’s website (<https://www.arb.ca.gov/planning/sip/imp2016sip/imp2016sip.htm>) and available to the public upon request;”

7. The following language is added as section B.5. as shown in underline below. The language below clarifies the public’s access to documentation related to the Valley 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; and

8. The reference to “paragraph C.3” in section C.4 on page 11 is corrected to read “paragraphs A.3 and C.3” as shown below in underline.

“By May 15 of each year from 2021 through 2030, make each annual demonstration report described in paragraphs A.3 and C.3 available on CARB’s website (<https://www.arb.ca.gov/planning/sip/imp2016sip/imp2016sip.htm>) and available to the public upon request;”

9. The following language is added as section C.6. as shown in underline below. The language below clarifies the public’s access to documentation related to the Valley Incentive Measure.

Beginning May 15, 2021 and through 2030, make each NRCS Annual Report described in paragraph C.1 available to the public upon request, consistent with the California Public Record Act; and

10. The reference to “paragraph D.2” in section D.3 on page 11 is corrected to read “paragraphs A.3 and D.2” as shown below in underline.

“By May 15 of each year from 2021 through 2030, make each annual demonstration report described in paragraphs A.3 and D.2 available on CARB’s website (<https://www.arb.ca.gov/planning/sip/imp2016sip/imp2016sip.htm>) and available to the public upon request;”

11. The following language is added as section D.5. as shown in underline below. The language below clarifies the public's access to documentation related to the Valley 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; and

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

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



Richard W. Corey
Executive Officer