

# California Clean Fuels for Fleets Certification for the 70 ppb Ozone Standard

Release Date: December 17, 2021

Hearing Date: January 27, 2022



This page intentionally left blank.

This document has been reviewed by the staff of the California Air Resources Board and approved for publication. Approval does not signify that the contents necessarily reflect the views and policies of the California Air Resources Board, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.

Electronic copies of this document are available for download from the California Air Resources Board at <https://ww2.arb.ca.gov/resources/documents/70ppb-clean-fuels-fleet-certification>. In addition, written copies may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, 1<sup>st</sup> Floor, Visitors and Environmental Services Center, Sacramento, California 95814. Because of current travel, facility, and staffing restrictions, the California Air Resources Board's offices may have limited public access. Please contact [Candace Clawson](mailto:candace.clawson@arb.ca.gov), Office Technician, at [candace.clawson@arb.ca.gov](mailto:candace.clawson@arb.ca.gov) if you need physical copies of the documents.

For individuals with sensory disabilities, this document is available in Braille, large print, audiocassette or computer disk. Please contact CARB's Disability Coordinator at (916) 323-4916 by voice or through the California Relay Services at 711, to place your request for disability services. If you are a person with limited English and would like to request interpreter services, please contact CARB's Bilingual Manager at (916) 323-7053.

For questions, contact:

Stephanie Parent, Air Pollution Specialist  
South Coast Air Quality Planning Section  
California Air Resources Board  
P.O. Box 2815  
Sacramento, California 95812  
Email: [stephanie.parent@arb.ca.gov](mailto:stephanie.parent@arb.ca.gov)  
Phone: (279) 842-9565

or

Ariel Fideldy, Manager  
South Coast Air Quality Planning Section  
California Air Resources Board  
P.O. Box 2815  
Sacramento, California 95812  
Email: [ariel.fideldy@arb.ca.gov](mailto:ariel.fideldy@arb.ca.gov)  
Phone: (279) 208-7225

## Table of Contents

Executive Summary .....	5
Chapter 1 – Background .....	7
Clean Fuels for Fleets Requirements .....	7
California’s Low Emissions Vehicle Program.....	7
70 ppb 8-hour Ozone Standard.....	8
Chapter 2 – Nonattainment Areas .....	10
Coachella Valley.....	10
Sacramento Metropolitan Area .....	11
San Joaquin Valley .....	12
South Coast Air Basin .....	12
Ventura County.....	13
West Mojave Desert .....	14
Chapter 3 – Clean Fuels for Fleets Certification .....	15
Chapter 4 – Environmental Impacts .....	16
Introduction .....	16
Analysis .....	16
Chapter 5 – Staff Recommendations.....	17

## Executive Summary

California Air Resources Board (CARB or Board) staff prepared the *California Clean Fuels for Fleets Certification for the 70 ppb Ozone Standard* (CFF Certification) to address State Implementation Plan (SIP) requirements of the federal Clean Air Act (Act) for ozone nonattainment areas (NAAs) within the State. The CFF Certification is due to the U.S. Environmental Protection Agency (U.S. EPA) by February 3, 2022 to meet requirements in the Act as applicable under the 70 parts per billion (ppb) 8-hour ozone standard (70 ppb ozone standard). The Board is scheduled to consider the CFF Certification on January 27, 2022. If adopted, CARB will submit the CFF Certification to U.S. EPA as a revision to the California SIP.

NAAs in California are required to submit plans and related elements as revisions to the California SIP that meet the applicable requirements of the Act as described in relevant implementation rules. The Clean-Fuel Vehicle Program is required for areas that are classified as Serious or above and that meet a prescribed population threshold, as specified in Sections 182(c)(4) and 246 of the Act and discussed in the *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (70 ppb Implementation Rule)*. For the 70 ppb ozone standard, areas must either demonstrate that they are implementing the U.S. EPA Clean-Fuel Vehicle Program (U.S. EPA Program), or certify that they have opted out of the program with a substitute program.

CARB's low-emissions vehicle (LEV) programs are implemented Statewide and far exceed the level of reduction that would be achieved through implementation of the U.S. EPA Program. As such, California ozone nonattainment areas classified as Serious and above have provided certification to this effect to meet the requirement and have opted out of the U.S. EPA Program since the first California SIP was submitted to U.S. EPA in 1994 and approved in 1999. California has continued to strengthen the requirements for light-duty passenger cars, adopting LEV II in 1998 and LEV III in 2012 as part of the Advanced Clean Cars Program which also expanded zero emission vehicle requirements.

Seven areas in California are designated as nonattainment for the 70 ppb ozone standard with classifications of Serious or above, and also meet the population applicability requirement for the Clean-Fuel Vehicle Program. Two Severe areas, Eastern Kern County and the Western part of Nevada County, do not meet the population threshold.

The CFF Certification contains certifications for the following six 70 ppb ozone standard nonattainment areas that they meet the Clean-Fuel Vehicle Program requirement:

- Coachella Valley
- Sacramento Metropolitan Area
- San Joaquin Valley
- South Coast Air Basin
- Ventura County
- West Mojave Desert

For the seventh area, San Diego County, the certification that the area met the Clean-Fuel Vehicle Program requirement was submitted to U.S. EPA on January 12, 2021 as a part of the *2020 Plan for Attaining the National Ambient Air Quality Standards for Ozone in San Diego County*.

## Chapter 1 – Background

The Act requires U.S. EPA to set air quality standards for criteria pollutants, including ozone, and periodically review the latest health research to ensure that standards remain protective of public health. Based on research demonstrating adverse health effects at lower exposure levels, U.S. EPA has set a series of increasingly health protective air quality standards.

The Act also requires that areas not meeting the federal standards develop comprehensive plans that describe how the area will attain the federal standards, known as SIPs. The Act specifies the required SIP elements based on the pollutant and the severity of the air quality problem, NAA classification. U.S. EPA provides guidance for the states to use to meet the requirements of the Act for each standard in the form of implementation rules. One such requirement of the Act is that states implement a Clean-Fuel Vehicle Program as outlined in Sections 182(c)(4) and 246 of the Act.

### Clean Fuels for Fleets Requirements

Sections 182(c)(4) and 246 of the Act require NAAs classified as Serious or above, with a 1980 population of 250,000 or more, to submit revisions to the SIP to implement a clean-fuel vehicle program for fleets. The Clean-Fuel Vehicle Program requires at least a specified percentage of all new covered fleet vehicles purchased by fleet operators to be clean-fuel vehicles and that they use clean alternative fuels when operating in the NAA. Alternately, the state, and the NAAs within the state that need to meet the Clean-Fuel Vehicle Program requirement, can opt-out of the program by submitting a revision into the SIP for a program that will achieve long-term reductions in ozone-producing and toxic air emissions equal to those achievable by the U.S. EPA Program.

### California's Low Emissions Vehicle Program

CARB adopted the first LEV regulations in 1990, requiring automobile manufacturers to introduce progressively cleaner light- and medium-duty vehicles with more durable emission controls from the 1994 through 2003 model years. By adopting these regulations, CARB established the most stringent criteria pollutant exhaust regulations ever for light- and medium-duty vehicles.

The regulations, now referred to as the LEV I regulations, included three primary elements: 1) tiers of exhaust emission standards for increasingly more stringent categories of low-emission vehicles, 2) a mechanism requiring each auto manufacturer to phase-in a progressively cleaner mix of vehicles from year to year with the option of credit banking and trading, and 3) a requirement that a specified percentage of passenger cars and light-duty trucks be zero-emission vehicles (ZEVs) with no exhaust or evaporative emissions.

CARB's LEV programs are implemented Statewide and far exceed the level of reduction that would be achieved through implementation of the U.S. EPA Program. As such, California ozone NAAs classified as Serious and above have provided certification to this effect and opted out of the U.S. EPA Program since the first California SIP, *1994 California State*

*Implementation Plan*, was submitted to U.S. EPA on November 15, 1994 and approved on September 27, 1999<sup>1</sup>.

California has continued to strengthen the requirements for light-duty passenger cars. Building on LEV I, the second-generation LEV II regulations were adopted in 1998 and continued to reduce criteria pollutant emissions from new light- and medium-duty vehicles starting with the 2004 model year. In 2012, CARB adopted the LEV III regulations as part of the Advanced Clean Cars rulemaking package that also includes the State's ZEV regulation. The LEV III regulations include increasingly stringent emission standards for criteria pollutants and greenhouse gases for new passenger vehicles through the 2025 model year.

## 70 ppb 8-hour Ozone Standard

As previously stated, the Act requires U.S. EPA to set air quality standards for criteria pollutants, including ozone, and periodically review the latest health research to ensure that standards remain protective of public health. Based on research demonstrating adverse health effects at lower exposure levels, in 2015, U.S. EPA lowered the 8-hour ozone standard from 75 ppb to 70 ppb<sup>2</sup>. Effective on August 3, 2018, U.S. EPA designated nineteen areas in California as nonattainment for this standard, with classifications ranging from Marginal to Extreme. The Act requires Moderate and above areas not meeting the federal standards to develop comprehensive plans that describe how the area will attain the federal standards, known as SIPs. The Act specifies the required SIP elements based on the pollutant and the severity of the air quality problem. U.S. EPA provides guidance for the states to use to meet the requirements of the Act for each standard.

U.S. EPA published the 70 ppb Implementation Rule<sup>3</sup> on December 6, 2018, that provides guidance and describes the implementation requirements for the 70 ppb ozone standard. The 70 ppb Implementation Rule also establishes due dates for the various SIP elements based on the timelines established in the Act. The Clean-Fuel Vehicle Program element is due to U.S. EPA by February 3, 2022 to meet requirements in the Act as applicable for the 70 ppb ozone standard.

CARB staff collaborated with local air quality management districts (AQMDs) and air pollution control districts (APCDs) to prepare this required element for adoption and submittal to U.S. EPA as revisions to the California SIP. All plans and plan elements submitted

---

<sup>1</sup> 64 FR 46849, published on August 27, 1999 and effective on September 27, 1999, [Approval and Promulgation of State Implementation Plans; California](#)

<sup>2</sup> 80 FR 65292, published on October 26, 2015 and effective on December 28, 2015, [National Ambient Air Quality Standards for Ozone](#)

<sup>3</sup> 83 FR 62998, published on December 6, 2018 and effective on February 4, 2019, [Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements](#)



by CARB are developed following the Act, relevant implementation rules, and all other applicable U.S. EPA guidance available at the time of plan development.

Nine areas in California are designated as nonattainment for the 70 ppb ozone standard with a Serious or higher classification. However, only seven of these areas exceed the 1980 population threshold of 250,000 or more that is prescribed in the Act to require implementation of a Clean-Fuel Vehicle Program. The two areas that do not exceed the population threshold are the Eastern part of Kern County and the Western part of Nevada County.

CARB staff developed Chapter 2 to provide descriptions and relevant SIP histories for the NAAs that are required to meet the Clean-Fuel Vehicle Program requirement under the 70 ppb ozone standard. CARB is addressing the Clean-Fuel Vehicle Program requirement for all NAAs in Chapter 3, *Clean Fuels for Fleets Certification*.

## Chapter 2 – Nonattainment Areas

This chapter provides descriptions of each of the NAAs that are required to meet the Clean-Fuel Vehicle Program requirement under the 70 ppb ozone standard. Effective August 3, 2018, U.S. EPA designated each of these areas as a NAA with a Serious or above classification for the 70 ppb ozone standard<sup>4</sup>. For these areas, SIPs are required to be submitted by August 3, 2022 demonstrating attainment by the classification deadline. CARB is working with the AQMDs and APCDs on the development of SIP revisions to fulfill the requirements for the 70 ppb ozone standard. One of those requirements is the submittal of a Clean-Fuel Vehicle Program, or a certification that the NAA is opting out of the U.S. EPA Program, by February 3, 2022.

The NAAs discussed in this chapter include the Coachella Valley, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert. California’s Clean Fuels for Fleets Program certification (CFF Certification) is described in the next chapter.

### Coachella Valley

This section discusses the status of the Coachella Valley ozone NAA, defined as the Riverside County portion of the Salton Sea Air Basin. Effective on July 20, 2012, U.S. EPA designated the Coachella Valley as a NAA with a Severe classification for the 75 ppb 8-hour ozone standard (75 ppb ozone standard). Severe areas were required to submit a SIP revision meeting Severe area requirements and demonstrating attainment of the standard by July 20, 2027.

The South Coast AQMD, in coordination with CARB staff, prepared the *2016 Air Quality Management Plan*<sup>5</sup> (2016 AQMP) to fulfill requirements of the Act as applicable for both the South Coast Air Basin and the Coachella Valley NAAs. The 2016 AQMP met requirements for the Clean-Fuel Vehicle Program for both NAAs as applicable under the 75 ppb ozone standard. The South Coast AQMD adopted the 2016 AQMP on March 3, 2017 and submitted the plan to CARB on March 10, 2017. CARB adopted the 2016 AQMP on March 23, 2017 and submitted it to U.S. EPA as a revision to the California SIP on April 27, 2017. Effective on October 16, 2020, U.S. EPA approved portions of the 2016 AQMP for Coachella Valley, which included reapproval of California’s 1994 “Opt-Out Program” SIP revision for the Clean-Fuel Vehicle Program<sup>6</sup> as applicable to the Coachella Valley NAA.

---

<sup>4</sup> 83 FR 25776, published on June 4, 2018 and effective on August 3, 2018, *Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards*.

<sup>5</sup> *South Coast Air Quality Management District Final 2016 Air Quality Management Plan*.

<sup>6</sup> 85 FR 57714, published on September 16, 2020 and effective on October 16, 2020, *Approval of Air Quality Implementation Plans; California; Coachella Valley; 2008 8-Hour Ozone Nonattainment Area Requirements*.

Effective on August 3, 2018, U.S. EPA designated the Coachella Valley as a NAA with a Severe classification for the 70 ppb ozone standard<sup>7</sup>. Severe areas are required to submit a SIP revision demonstrating attainment of the standard by August 3, 2033.

## Sacramento Metropolitan Area

This section discusses the status of the Sacramento Metropolitan Area (Sacramento Area) ozone NAA. Effective on July 20, 2012, U.S. EPA designated the Sacramento Area as a NAA with a Severe classification for the 75 ppb ozone standard<sup>8</sup>. Severe areas were required to submit a SIP revision meeting Severe area requirements and demonstrating attainment no later than the regulatory attainment date of July 20, 2027.

The Sacramento Metropolitan AQMD, El Dorado AQMD, Feather River AQMD, Placer County APCD, and Yolo-Solano AQMD (Sacramento Air Districts), in coordination with CARB staff, prepared the *Sacramento Regional 2008 NAAQS 8-Hour Ozone Attainment and Reasonable Further Progress Plan*<sup>9</sup> (Sacramento Ozone Plan) to fulfill the requirements of the Act as applicable for a Severe NAA for the 75 ppb ozone standard. Modeling performed for the Sacramento Ozone Plan showed the Sacramento Area Ozone NAA could attain the standard by July 20, 2025, ahead of the July 20, 2027 attainment date. The Sacramento Air Districts adopted the Sacramento Ozone Plan on dates between August 24 and October 12, 2017 and submitted it to CARB on September 18, 2017. CARB adopted the Sacramento Ozone Plan on November 16, 2017 and submitted it to U.S. EPA as a revision to the California SIP on December 18, 2017. Effective on November 22, 2021, U.S. EPA approved portions of the Sacramento Ozone Plan which included reapproval of California's 1994 "Opt-Out Program" SIP revision for the Clean-Fuel Vehicle Program<sup>10</sup> as applicable to the Sacramento Area.

Effective on August 3, 2018, U.S. EPA designated the Sacramento Area as a NAA with a Moderate classification for the 70 ppb ozone standard. On August 3, 2020, the Sacramento Area requested to be reclassified to a Serious classification for that standard and effective on

---

<sup>7</sup> 83 FR 25776, published on June 4, 2018 and effective on August 3, 2018, [Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards](#).

<sup>8</sup> 77 FR 30088, published May 21, 2012 and effective July 20, 2012, [Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards](#).

<sup>9</sup> [Sacramento Metro Region Air Quality Management Plans](#).

<sup>10</sup> 86 FR 58581, published October 22, 2021 and effective on November 22, 2021, [Approval of Air Quality Implementation Plans; California; Sacramento Metro Area; 2008 8-Hour Ozone Nonattainment Area Requirement](#).

November 29, 2021, U.S. EPA granted that request<sup>11</sup>. Serious areas are required to submit a SIP revision demonstrating attainment by August 3, 2027.

## San Joaquin Valley

This section discusses the status of the San Joaquin Valley ozone NAA. Effective on July 20, 2012, U.S. EPA designated the San Joaquin Valley as a NAA with an Extreme classification for the 75 ppb ozone standard<sup>12</sup>. Extreme areas were required to submit a SIP revision meeting Extreme area requirements and demonstrating attainment of the standard by July 20, 2032.

The San Joaquin Valley APCD, in coordination with CARB staff, prepared the *2016 Ozone Plan for 2008 8-Hour Ozone Standard*<sup>13</sup> (SJV Ozone Plan) to fulfill requirements of the Act as applicable for the San Joaquin Valley NAA for the 75 ppb 8-hour ozone standard. The San Joaquin Valley APCD adopted the SJV Ozone Plan on June 16, 2016 and submitted the plan to CARB on June 17, 2016. CARB adopted the SJV Ozone Plan on July 21, 2016 and submitted it to U.S. EPA as a revision to the California SIP on August 24, 2016. Effective on March 14, 2019, U.S. EPA approved portions of the SJV Ozone Plan<sup>14</sup> which included reapproval of California's 1994 "Opt-Out Program" SIP revision for the Clean-Fuel Vehicle Program as applicable to the San Joaquin Valley.

Effective August 3, 2018, U.S. EPA designated the San Joaquin Valley as a NAA with an Extreme classification for the 70 ppb ozone standard. Extreme areas are required to submit a SIP revision demonstrating attainment by August 3, 2038.

## South Coast Air Basin

This section discusses the status of the South Coast Air Basin ozone NAA. Effective on July 20, 2012, U.S. EPA designated the South Coast Air Basin as a NAA with an Extreme classification for the 75 ppb ozone standard. Extreme areas were required to submit a SIP revision meeting Extreme area requirements and demonstrating attainment of the standard by July 20, 2032.

The South Coast AQMD, in coordination with CARB staff, prepared the 2016 AQMP to fulfill requirements of the Act as applicable for both the South Coast Air Basin and the Coachella

---

<sup>11</sup> 86 FR 59648, published October 28, 2021 and effective on November 29, 2021, *Designation of Areas for Air Quality Planning Purposes; California; Eastern Kern, Sacramento Metro, and Western Nevada 2015 Ozone Nonattainment Areas; Reclassification to Serious*.

<sup>12</sup> 77 FR 30088, Posted May 21, 2012 and effective July 20, 2012, *Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards*.

<sup>13</sup> *San Joaquin Valley 2016 8-Hour Ozone Plan*.

<sup>14</sup> 84 FR 3302, Posted February 12, 2019 and effective on March 14, 2019, *Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; San Joaquin Valley, California*.

Valley NAAs. The 2016 AQMP met requirements for the Clean-Fuel Vehicle Program for both NAAs as applicable under the 75 ppb ozone standard. The South Coast AQMD adopted the 2016 AQMP on March 3, 2017 and submitted the plan to CARB on March 10, 2017. CARB adopted the 2016 AQMP, and the 2016 State SIP Strategy with its complementary commitments, on March 23, 2017 and submitted them to U.S. EPA as revisions to the California SIP on April 27, 2017. Effective on October 31, 2019, U.S. EPA approved portions of the 2016 AQMP which included reapproval of California's 1994 "Opt-Out Program" SIP revision for the Clean-Fuel Vehicle Program<sup>15</sup> as applicable to the South Coast Air Basin NAA.

Effective on August 3, 2018, U.S. EPA designated the South Coast Air Basin as a NAA with an Extreme classification for the 70 ppb ozone standard. Extreme areas are required to submit a SIP revision demonstrating attainment of the standard by August 3, 2038.

## Ventura County

This section discusses the status of the Ventura County ozone NAA. Effective on July 20, 2012<sup>16</sup>, U.S. EPA designated Ventura County as a NAA with a Serious classification for the 75 ppb ozone standard with an attainment date of July 20, 2021.

The Ventura County APCD, in coordination with CARB staff, prepared the *2016 Ventura County Air Quality Management Plan*<sup>17</sup> (Ventura Ozone Plan) to fulfill requirements of the Act. Ventura County APCD adopted the Ventura Ozone Plan on February 14, 2017 and submitted it to CARB on March 2, 2017. CARB adopted the Ventura Ozone Plan on March 23, 2017 and submitted it to U.S. EPA as a revision to the California SIP on April 11, 2017. Effective on March 30, 2020, U.S. EPA approved the Ventura Ozone Plan, which included reapproval of California's 1994 "Opt-Out Program" SIP revision for the Clean-Fuel Vehicle Program<sup>18</sup> as applicable to the Ventura County NAA.

Effective on August 3, 2018, U.S. EPA designated Ventura County as a NAA with a Serious classification for the 70 ppb ozone standard. Serious areas are required to submit a SIP revision demonstrating attainment of the standard by August 3, 2027.

---

<sup>15</sup> 84 FR 52005, posted October 1, 2019 and effective on October 31, 2019, [Approval of Air Quality Implementation Plans; California; South Coast Air Basin; 1-Hour and 8-Hour Ozone Nonattainment Area Requirement](#).

<sup>16</sup> 77 FR 30088, posted May 21, 2012 and effective July 20, 2012, [Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards](#).

<sup>17</sup> [Final 2016 Ventura County Air Quality Management Plan](#).

<sup>18</sup> 85 FR 11814, posted February 27, 2020 and effective March 30, 2020, [Approval of Air Quality Implementation Plans; California; Ventura County; 8-Hour Ozone Nonattainment Area Requirements](#).

## West Mojave Desert

This section discusses the status of the West Mojave Desert ozone NAA, which includes part of the San Bernardino County portion of the Mojave Desert AQMD, as well as the Antelope Valley portion of Los Angeles County. Effective on July 20, 2012<sup>19</sup>, U.S. EPA designated the West Mojave Desert as a NAA with a Severe classification for the 75 ppb ozone standard. Severe areas were required to submit a SIP revision meeting Severe area requirements and demonstrating attainment of the standard by July 20, 2027.

The Mojave Desert AQMD and the Antelope AQMD, in coordination with CARB staff, prepared the *Mojave Desert Federal 75 ppb Ozone Nonattainment Plan for the Western Mojave Desert Nonattainment Plan*,<sup>20</sup> and the *Antelope Valley Federal 75 ppb Ozone Nonattainment Plan for the Western Mojave Desert Nonattainment Area*<sup>21</sup> (collectively, Mojave Ozone Plan), to fulfill the requirements of the Act. The Mojave Desert AQMD and Antelope Valley AQMD adopted the Mojave Ozone Plan on February 27, 2017 and March 21, 2017, respectively, and submitted them to CARB on September 18, 2017. CARB adopted the Mojave Ozone Plan on May 25, 2017 and submitted it to U.S. EPA as a revision to the California SIP on June 2, 2017. Effective on October 27, 2021, U.S. EPA approved portions of both plans, which included reapproval of California's 1994 "Opt-Out Program" SIP revision for the Clean-Fuel Vehicle Program<sup>22,23</sup> as applicable to the West Mojave Desert NAA.

Effective on August 3, 2018, U.S. EPA designated the West Mojave Desert as a NAA with a Severe classification for the 70 ppb ozone standard. Severe areas are required to submit a SIP revision demonstrating attainment of the standard by August 3, 2033.

---

<sup>19</sup> 77 FR 30088, Posted May 21, 2012 and effective July 20, 2012, [Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards](#).

<sup>20</sup> [MDAQMD Federal 75 ppb Ozone Attainment Plan \(Western Mojave Desert Nonattainment Area\)](#).

<sup>21</sup> [AVAQMD Federal 75 ppb Ozone Attainment Plan \(Western Mojave Desert Nonattainment Area\)](#).

<sup>22</sup> 86 FR 53223, Posted September 27, 2021 and effective October 27, 2021, Partial Approval for [Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California](#).

<sup>23</sup> 86 FR 57586, Posted October 18, 2021 and effective November 17, 2021, Correcting Amendment for [Clean Air Plans; 2008 8-Hour Ozone Nonattainment Area Requirements; West Mojave Desert, California](#).

## Chapter 3 – Clean Fuels for Fleets Certification

This chapter contains the CFF Certification for the Clean-Fuel Vehicle Program requirement to be submitted into the California SIP for Coachella Valley, Sacramento Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert ozone NAAs. In 1994, CARB submitted a SIP revision to U.S. EPA to opt-out of the Clean-Fuel Vehicle Program. The submittal included a demonstration that California’s LEV program achieved emissions reductions at least equivalent to the reductions that would be achieved by the U.S. EPA Program. U.S. EPA approved the California SIP revision to opt-out of the Clean-Fuel Vehicle Program effective September 27, 1999<sup>24</sup>.

California has continued to strengthen the emission requirements in its LEV program, adopting LEV II in 1998<sup>25</sup> and LEV III in 2012<sup>26</sup>. CARB hereby certifies in this CFF Certification that California’s LEV program qualifies as a substitute for the U.S. EPA Program and satisfies Sections 182(c)(4) and 246 of the Act for the 70 ppb ozone standard for the following nonattainment areas:

- Coachella Valley
- Sacramento Metropolitan Area
- San Joaquin Valley
- South Coast Air Basin
- Ventura County
- West Mojave Desert

---

<sup>24</sup> 64 FR 46849, published August 27, 1999 and effective September 27, 1999, [Approval and Promulgation of State Implementation Plans; California](#).

<sup>25</sup> “LEV II” and “CAP 2000” [Regulatory Documents](#) webpage

<sup>26</sup> [LEV III and GHG 2012 Regulatory Documents](#) webpage

## Chapter 4 – Environmental Impacts

### Introduction

This chapter provides the basis for CARB's determination that the CFF Certification is exempt from the requirements of the California Environmental Quality Act (CEQA). A brief explanation of this determination is provided below. CARB's regulatory program, which involves the adoption, approval, amendment, or repeal of standards, rules, regulations, or plans for the protection and enhancement of the State's ambient air quality, has been certified by the California Secretary for Natural Resources under Public Resources Code section 21080.5 of CEQA (14 CCR 15251(d)). Public agencies with certified regulatory programs are exempt from certain CEQA requirements, including but not limited to, preparing environmental impact reports, negative declarations, and initial studies. CARB, as a lead agency, prepares a substitute environmental document (referred to as an "Environmental Analysis" or "EA") as part of the Report prepared for a proposed action to comply with CEQA (17 CCR 60000-60008). If the CFF Certification is finalized, a Notice of Exemption will be filed with the Office of the Secretary for the Natural Resources Agency and the State Clearinghouse for public inspection.

### Analysis

CARB has determined that the proposed CFF Certification is exempt from CEQA under the general rule or "common sense" exemption (14 CCR 15061(b)(3)). CEQA Guidelines states "[t]he activity is covered by the common sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA". The proposal is also categorically exempt from CEQA under the "Class 8" exemption (14 CCR 15308) because it is an action taken by a regulatory agency for the protection of the environment. As described in this staff report, the proposed CFF Certification is a SIP requirement for ozone nonattainment areas that are classified as Serious or above and that meet minimum population requirements. This CFF Certification continues CARB's opt-out of the U.S. EPA Clean-Fuel Vehicle Program as allowed by the Act because CARB has had a substitute LEV program that has been in place since 1994 and that U.S. EPA approved into the SIP in 1999. CARB's LEV program achieved emissions reductions at least equivalent to the reductions that would be achieved by the Clean-Fuel Vehicle Program and has been strengthened over the years to further reduce emissions from criteria pollutants. Based on CARB's review it can be seen with certainty that there is no possibility that the proposed CFF Certification may result in a significant adverse impact on the environment. Further, the proposed action is designed to protect the environment and CARB found no substantial evidence indicating the proposal could adversely affect air quality or any other environmental resource area, or that any of the exceptions to the exemption applies (14 CCR 15300.2). Therefore, this activity is exempt from CEQA.



## Chapter 5 – Staff Recommendations

CARB staff recommends that the Board:

1. Adopt the CFF Certification for the 70 ppb ozone standard for the Coachella Valley, Sacramento Metropolitan Area, San Joaquin Valley, South Coast Air Basin, Ventura County, and West Mojave Desert nonattainment areas as a revision to the California SIP.
2. Direct the Executive Officer to submit the California CFF Certification to U.S. EPA as a revision to the California SIP.