

Executive Order R-21-009

Relating to Proposed Mobile Source Certification and Compliance Fees

Whereas, on April 22, 2021, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the Proposed Mobile Source Certification and Compliance Fees, as set forth in Appendix A to the Initial Statement of Reasons (ISOR or Staff Report) released to the public on March 2, 2021;

Whereas, the environmental analysis prepared under CARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the proposed regulation is exempt from CEQA under California Code of Regulations, title 14, section 15061(b)(3) ("common sense" exemption) because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Chapter VII of the Staff Report;

Whereas, following the public hearing, the Board adopted Resolution 21-9 in which the Board approved for repeal of California Code of Regulations, title 13, division 3, chapter 1, article 2.5, sections 1990, 1991, 1992, 1993, and 1994 and adoption of California Code of Regulations, title 13, division 3, chapter 16, articles 1 through 7, sections 2900 through 2914., as set forth in Appendix A of the Initial Statement of Reasons;

Whereas, Resolution 21-9, directed the Executive Officer to make the modified regulatory language in Attachment A to that resolution and any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

Whereas, modified regulatory language and supporting documentation were circulated for 15-day public comment periods, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from

May 24, 2021, through June 8, 2021, for the first 15-day comment period and from July 12, 2021, through July 27, 2021, for the second 15-day comment period;

Whereas, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer;

Whereas, California Code of Regulations, title 13, division 3, chapter 16, articles 1 through 7, sections 2900 through 2914, as set forth in Attachment 1 to this Order, require the Executive Officer to collect a certification fee for all submitted applications seeking certification or evaluation of any mobile source beginning for the 2023 model year, or 2022 calendar year, as applicable, but this regulatory language will not become effective until the quarter after it is approved by the Office of Administrative Law and filed with the Secretary of State, unless CARB requests a later effective date, or demonstrates good cause for an earlier effective date;

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 21-9 are incorporated herein.

It Is Further Ordered that California Code of Regulations, title 13, division 3, chapter 1, article 2.5, sections 1990, 1991, 1992, 1993, and 1994 are repealed and California Code of Regulations, title 13, division 3, chapter 16, articles 1 through 7, sections 2900 through 2914 are adopted, as set forth in Attachment 1 to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

It Is Further Ordered that collection of a certification fee for complete applications submitted to CARB seeking certification or evaluation of any mobile source, as set forth in Attachment 1 to this Order, shall not begin until the effective date of this regulation, as determined by the Office of Administrative Law, and complete applications submitted before that date are not subject to the provisions set forth in Attachment 1 to this Order.

Executed this 4th day of November, 2021 at Sacramento, California.



Richard W. Corey
Executive Officer

Attachment