

State of California AIR RESOURCES BOARD

**Executive Order R-23-003**

**Relating to Resubmittal Package to the Office of Administrative Law  
for the Advanced Clean Fleets Regulation**

Whereas, on October 27, 2022, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the Proposed Advance Clean Fleets Regulation, as set forth in Appendices A-1 through A-4 to the Initial Statement of Reasons; which includes the Draft Environmental Analysis (EA), which was originally released to the public on August 30, 2022, for a 45-day public comment period from September 2, 2022, through October 17, 2022;

Whereas, following the public hearing on October 27, 2022, staff considered comments submitted during the public review period and hearing, and whether to make any additional appropriate conforming modifications available for public comment for at least 15 days, pursuant to Government Code section 11346.8;

Whereas, modified regulatory language and supporting documentation were circulated for a 15-day public comment period as set forth in the Notice of Public Availability of Modified Text and Availability of Additional Documents and Appendices A-1 through A-4, and Appendix B, with the changes to the originally proposed text clearly indicated in Appendices A-1.1 through A-4.1, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from March 23, 2023, through April 7, 2023;

Whereas, on April 27, 2023, and April 28, 2023, the Board conducted a public hearing to consider the proposed Advanced Clean Fleets Regulation, as it was set forth in Final Regulation Order Attachments A-1 through A-4 which were posted by CARB in conjunction with the Final EA and Response to EA Comments prepared for the Advanced Clean Fleets Regulation on April 17, 2023;

Whereas, pursuant to CARB's certified regulatory program regulations set forth at California Code of Regulations, title 17, sections 60000 through 60008, certified by the Secretary of the California Natural Resources Agency pursuant to Public Resources Code section 21080.5, the Executive Officer presented the Final EA, along with the Response to EA Comments, to the Board for its consideration;

Whereas, following the public hearing, on April 28, 2023, the Board approved Resolution 23-13 in which the Board certified the Final EA as being completed in compliance with CARB's certified regulatory program to meet the requirements of CEQA, and in consideration of the Final EA, the Response to EA Comments, and the entirety of the record, the Board adopted the Findings and Statement of Overriding Considerations and approved for adoption California Code of Regulations, title 13, sections 2013 through 2013.4, sections 2014 through 2014.3, sections 2015 through 2015.6, and section 2016. title 13 California Code of Regulations on April 28, 2023;

Whereas, CARB submitted the Final rulemaking package to the Office of Administrative Law (OAL) on June 13, 2023 for review in accordance with the California Administrative Procedure Act (APA);

Whereas, CARB withdrew the Final rulemaking package from OAL on July 26, 2023;

Whereas, CARB circulated modified regulatory language and supporting documentation for a 15-day public comment period as set forth in the Second Notice of Public Availability of Modified Text and Availability of Additional Documents and Appendices A-1 through A-4, with the changes to the originally proposed text clearly indicated in alternative format versions of the appendices, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from August 4, 2023, through August 21, 2023;

Whereas, written comments were received during the 15-day comment period in response to the Second Notice of Public Availability of Modified Text and Availability of Additional Documents and those comments were considered by the Executive Officer; and

Whereas, staff determined that for the proposed modifications, CARB can rely on the environmental analysis prepared under its certified regulatory program included in the *Final Environmental Analysis for the proposed Advanced Clean Fleets Regulation*, certified by the Board in Resolution 23-13. As explained in *Attachment 1 to Executive Order R-23-003*, no additional environmental review is required because the record evidence shows that the modifications will not result in new significant adverse environmental impacts, or a substantial increase in severity of previously identified significant adverse impacts, or new information of substantial importance;

Now, Therefore, It Is ordered that the recitals and findings contained in Resolution 23-13 are incorporated herein.

It Is further ordered that section 2013 through section 2013.4, section 2014 through 2014.3, section 2015 through 2015.6, and section 2016, title 13 California Code of Regulations, are adopted as set forth in the "Final Regulation Orders" attached to this Order.

It is further ordered that the adopted regulatory text may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 28th day of August, 2023, at Sacramento, California.



Steven S. Cliff, Ph.D.,  
Executive Officer

Attachments