

Addendum to the Final Statement of Reasons for Rulemaking

Public Hearing to Consider Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation

Public Hearing Date: November 17, 2022
Agenda Item No.: 22-15-4
Addendum Prepared: August 17, 2023

I. General Discussion

This addendum to the Final Statement of Reasons (FSOR) for the rulemaking action entitled "Public Hearing to Consider Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation" updates the original FSOR that the California Air Resources Board (CARB) submitted to the Office of Administrative Law (OAL) on July 7, 2023.

II. Non-Substantial Modifications

The non-substantial modifications described below clarify and do not materially alter the requirements, rights, responsibilities, conditions, or prescriptions contained in the Proposed Amendments, as approved for adoption by CARB. (See Cal. Code Regs., tit. 1, § 40)

After the July 7, 2023, submittal of the FSOR to OAL, the following non-substantial modifications were made to the Final Regulation Order:

Changes made throughout the Final Regulation Order

- Added italics back to headings/subheadings and defined terms in sections 2449(c) and 2449.2(c) and capitalization of words to be consistent with formatting in the current California Code of Regulations (CCR) and for ease of navigation. Examples include, but are not limited to, "(a) Purpose" changed to "(a) *Purpose*," "Agricultural operations" changed to "*Agricultural Operations*," etc.
- Added em dashes ("–") back to numerous places in the regulatory text to be consistent with the current CCR.

- Updated Authority and Reference notes to improve punctuation and formatting by changing "section(s)" to the "Sections" and removing oxford commas before the last Health & Saf. Code citations to be consistent with formatting in the CCR.

Changes made in specific subsections of the Final Regulation Order

- In section 2449(c)(18), removed "to" from the struck language "helping to alleviate" and "an" from "constitute an emergency" as these words were not in the current CCR, and thus marks showing their removal are unnecessary.
- In section 2449(c)(39), added a space shown as struck between "non-profit" since the term as originally published in the current CCR had a space and our amendments replaced it with a hyphen. The markings now clearly indicate the change from a blank space to a hyphen (i.e., the space being struck and the hyphen underlined).
- In section 2449(c)(49), added an "and" to "American Society for Testing and Materials" to improve accuracy and ensure that the name is correct.
- In section 2449(c)(62), updated defined term from "Tier 4 Final engine" to "Tier 4 final engine" (made "final" lower case) to be consistent with the current CCR and with how the term is used throughout the regulatory text.
- In section 2449(d)(1)(B)1.c., updated "section 2449(d)(1)(B)(2)(a)" to the correct "section 2449(d)(1)(B)2.a." to be consistent with subsection citation formatting in the CCR.
- In section 2449(d)(1)(C)2., changed "Large Spark Ignition Engine Fleets" to "large spark ignition engine fleets" (made it lower case) to be consistent with the current CCR.
- In section 2449(d)(9)(A), underlined the subsection heading "(A)" to clearly indicate that it is being proposed as text to be added by this rulemaking.
- In section 2449(e)(5), added "retrofit" back to the first sentence of the second paragraph ("...each vehicle engine retrofit with...") in this subsection to be consistent with the current CCR.
- In section 2449(f)(1)(A), added CARB's address back in with all capital letters (as it is in the current CCR) to show the proposed change from all capital letters to only the first letter capitalized.
- In section 2449(g), removed the underline from the period at the end of the second sentence since this period is already in the current CCR. Also, removed "All information and documentation submitted to CARB under section 2449(g) is deemed to be submitted under the penalty of perjury." CARB is no longer pursuing this provision.
- In section 2449(g)(2)(C), reworded the last part of subsection (C) to remove redundant language and improve readability.
- In section 2449(g)(2)(C)1., removed the underline from the subsection heading "1." since this subsection heading is currently in the CCR.

- In section 2449(g)(2)(C)3.a., underlined the subsection heading “a.” to reflect this subsection heading being added by the Proposed Amendments.
- In section 2449(g)(5)(A) and (B), replaced, “electronically submitted to” with “electronically submit it to” for improved readability/syntax.
- In section 2449(i)(2), removed the plural from “Certificates” so it now reads “valid Certificate of Reported Compliance” for improved grammar/syntax.
- In section 2449(i)(3), removed submittal instructions that were added after the 15-Day changes because this change was not included in the 15-day Notice.
- In section 2449, removed Government Code (Gov. Code) section 11400.20 from the Authority and Reference note. This Gov. Code is not necessary to be cited and has thus been removed.
- In section 2449.1(b)(1)(A)-(B), reverted formatting back to the current CCR to show colons instead of periods after numbers 1-3 for subsection (A) and 1-2 for subsection (B).
- In section 2449.1(b)(1)(C), updated formatting of number 1 to be consistent with previous subsections (A) and (B) and added underline to “1:” to reflect it being added by these Proposed Amendments.
- In section 2449.1(b)(10), added a period back to the text immediately after the em dash and struck the period to show it being deleted by these Proposed Amendments to improve grammar/punctuation.
- In section 2449.1(b)(11), reverted “The Regulation” back to its original lowercase “the regulation” to be consistent with the current CCR.
- In section 2449.1(b)(11)(A)3., the Initial Statement of Reasons (p. 96) proposed a change from “toward” to “to;” however, the proposed regulatory text never showed that change. Upon further review, CARB has determined that this change is not necessary, and thus “toward” remains in the final regulatory text.
- In section 2449.1(c)(4), changed “Jobs Corps” and “jobs corps” to “Job Corps” and “Job Corps,” respectively, to improve the accuracy of the term and for consistency of prior uses of the term.
- In section 2449.2, updated any reference to “ARB” to “CARB” to be consistent with proposed changes throughout the Proposed Amendments.

III. Modifications to the Original Summary of Comments and Agency Responses in the FSOR

Comment 41: We do not see where staff has provided any justification for any acceleration. [CIAQC]

Agency Response: CARB staff made no changes based on the received comment. One of the stated purposes of the Proposed Amendments is to achieve additional reductions beyond those the Current Regulation could achieve. See response to Comment 33 and Comment 35 regarding CARB’s need to achieve additional oxides of nitrogen and

particulate matter emission reductions. See response to Comment 34 and Comment 26 regarding the significant number of Tier 0, Tier 1, and Tier 2 engines that are expected to remain in California beyond the requirements of the Current Regulation and why maintaining the status quo would not meet the goals of the regulation.