

BOARD MEETING DATE: July 11, 2014

AGENDA NO. 38

PROPOSAL: Amend Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles

SYNOPSIS: In May 2008, the Board adopted Rule 2449 implementing the Surplus Off-Road Opt-in for NO_x (SOON) provisions of the State In-Use Off-Road Diesel Vehicle Regulation. On December 14, 2011, CARB amended the In-Use Off-Road Diesel Vehicle Regulation and removed Section 2449.2, Title 13 of the California Code of Regulation (CCR). As part of that action, CARB renumbered the SOON Provision Section 2449.3 to Section 2449.2. Staff is proposing an administrative amendment to SCAQMD Rule 2449 to revise the reference from Section 2449.3 to Section 2449.2 of Title 13 of the California Code of Regulation. This action is to adopt the resolution: 1) Determining that the proposed amendments to Rule 2449 are exempt from the CEQA; and, 2) Amending Rule 2449.

COMMITTEE: Mobile Source, June 20, 2014; Reviewed

RECOMMENDED ACTIONS:

Adopt the attached resolution:

1. Determining that the proposed amendments to Rule 2449 are exempt from the California Environmental Quality Act (CEQA); and
2. Amending Rule 2449 - Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles.

Barry R. Wallerstein, D.Env.
Executive Officer

Background

Off-road diesel vehicles collectively represent one of the largest sources of NOx and significantly contributed to PM2.5 and ozone air quality in the South Coast Air Basin. CARB adopted the “In-Use Off-road Diesel Vehicle” regulation to reduce these emissions statewide by requiring fleets to meet increasingly stringent PM and NOx fleet average targets or annual turnover requirements. In addition, the State Regulation included the Surplus Off-Road Opt-In for NOx (SOON) provisions contained in Section 2449.3, Title 13 of the California Code of Regulations (CCR), which allow air districts to opt-in to the SOON program to achieve additional NOx reductions from off-road diesel vehicles. The SOON provisions apply to affected fleets of off-road diesel vehicles as described in Section 2449.3(b). Once an air district has opted-in to the program, the SOON provisions require the affected fleets to submit an application for funding upon the District’s issuance of a solicitation for applications for funding. On May 2, 2008, the Board opted-in to the SOON program and adopted Rule 2449 by referencing the SOON provisions of the CARB Regulation (Title 13, CCR, Section 2449.3).

Rule 2449 was submitted to CARB on May 23, 2008 for approval. CARB approved Rule 2449 on July 2, 2008 and forwarded Rule 2449 on to U.S. EPA as a revision to the State Implementation Plan. In December 2011, prior to U.S. EPA review of Rule 2449, CARB amended the “In-Use Off-Road Diesel Vehicle” Regulation and removed Section 2449.2, Title 13 of the CCR, and renumbered the SOON Provision Section 2449.3 to Section 2449.2. CARB submitted the amended regulation on March 1, 2012 to U.S. EPA for authorization to implement the Regulation under Section 209(e) of the Clean Air Act. The U.S. EPA issued a “Notice of Decision” on September 30, 2013 granting CARB’s request for authorization of the Regulation. (78FR58090 *et. seq.*). As part of their review of the approvability of Rule 2449, U.S. EPA indicated that Rule 2449 should be amended to reference the appropriate section of the State Regulation.

Proposal

This proposed amended rule would revise the reference from Section 2449.3 to Section 2449.2 of the State Regulation. As the provisions referred to in the proposed amendment are already in effect, they represent no change to existing requirements on affected fleets.

Public Process

No public workshops were held by SCAQMD staff since the proposed amendments are administrative in nature and would only revise the reference from Section 2449.3 to Section 2449.2 of the State Regulation. In addition, the proposed amendments do not affect air quality, emissions limitations, or regulatory requirements.

California Environmental Quality Act (CEQA) and Socioeconomic Impacts

The SCAQMD has reviewed the proposed project pursuant to the CEQA Guidelines §§ 15002 (k)(1) and 15061, the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. Staff is proposing an administrative

amendment to SCAQMD Rule 2449 to revise the reference from Section 2449.3 to Section 2449.2 of Title 13 of the California Code of Regulations. Because the SCAQMD exercises no discretion with regard to the proposed project, it is considered to be ministerially exempt. Therefore, the SCAQMD has determined the proposed amendments are statutorily exempt from CEQA pursuant to CEQA Guidelines §15268 – Ministerial Projects. If approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following action on the proposed project.

The proposed amendments to Rule 2449 are administrative in nature and do not have any socioeconomic impacts.

Resource Impacts

The proposed amendment is administrative in nature and has minimal administrative resource impacts. Existing SCAQMD resources are sufficient for continued implementation and enforcement of the rule.

Attachments

- A. Notice of Exemption
- B. Resolution for Proposed Amended Rule 2449
- C. Proposed Amended Rule 2449
- D. Staff Report for Proposed Amended Rule 2449



South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

SUBJECT: NOTICE OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

PROJECT TITLE: PROPOSED AMENDED RULE 2449 – CONTROL OF OXIDES OF NITROGEN EMISSIONS FROM OFF-ROAD DIESEL VEHICLES

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the South Coast Air Quality Management District (SCAQMD) is the Lead Agency and will prepare a Notice of Exemption for the project identified above.

The provisions of Article 4.8, Chapter 9, Title 13 of the California Code of Regulations (CCR), Section 2449.3, in effect June 15, 2008, were adopted in full by the SCAQMD on May 2, 2008 through the “opt-in” provision provided in the regulation and were made part of the Rules and Regulations of the SCAQMD. CCR Section 2449.3 was renumbered to 2449.2 as part of amendments made to CCR Section 2449 on December 14, 2011. Staff is proposing an administrative amendment to SCAQMD Rule 2449 to revise the reference from Section 2449.3 to Section 2449.2 of Title 13 of the CCR.

The SCAQMD has reviewed the proposed project pursuant to CEQA Guidelines §§ 15002 (k)(1) and 15061, the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. Because the proposed amendment to Rule 2449 is required in order to correctly reference state regulations, the SCAQMD exercises no discretion with regard to the proposed project; thus, the proposed project is considered to be ministerially exempt pursuant to CEQA Guidelines §15268 – Ministerial Projects. If approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following action on the proposed project.

Any questions regarding this Notice of Exemption should be sent to Jeff Inabinet (c/o Planning, Rule Development & Area Sources) at the above address. Mr. Inabinet can also be reached at (909) 396-2453.

Date: July 11, 2014

Signature: To be signed upon project approval

Michael Krause
Program Supervisor, CEQA Section
Planning, Rule Development &
Area Sources

Reference: California Code of Regulations, Title 14

NOTICE OF EXEMPTION

To:	County Clerks of Los Angeles, Orange, Riverside, San Bernardino	From:	South Coast Air Quality Management District 21865 Copley Drive Diamond Bar, CA 91765
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Project Title:

Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles

Project Location:

South Coast Air Quality Management District (SCAQMD) area of jurisdiction consisting of the four-county South Coast Air Basin (Orange County and the non-desert portions of Los Angeles, Riverside and San Bernardino counties), and the Riverside County portions of the Salton Sea Air Basin and the Mojave Desert Air Basin.

Description of Nature, Purpose, and Beneficiaries of Project:

The provisions of Article 4.8, Chapter 9, Title 13 of the California Code of Regulations (CCR), Section 2449.3, in effect June 15, 2008, were adopted in full by the SCAQMD on May 2, 2008 through the “opt-in” provision provided in the regulation and were made part of the Rules and Regulations of the SCAQMD. CCR Section 2449.3 was renumbered to 2449.2 as part of amendments made to CCR Section 2449 on December 14, 2011. Staff is proposing an administrative amendment to SCAQMD Rule 2449 to revise the reference from Section 2449.3 to Section 2449.2 of Title 13 of the CCR.

Public Agency Approving Project:

South Coast Air Quality Management District

Agency Carrying Out Project:

South Coast Air Quality Management District

Exempt Status:

CEQA Guidelines §15002 (k)(1) – General Concepts
CEQA Guidelines §15061 – Review for Exemption
CEQA Guidelines §15268 – Ministerial Projects

Reasons why project is exempt:

The SCAQMD has reviewed the proposed amendment to Rule 2449, pursuant to CEQA Guidelines §15002 (k)(1) – General Concepts, and CEQA Guidelines §15061 – Review for Exemption, and has determined that the proposed amendment is ministerially exempt from CEQA because the SCAQMD has no discretion with regard to the proposed project. Therefore, the SCAQMD has determined that the proposed project is exempt from CEQA pursuant to CEQA Guidelines §15268 – Ministerial Projects.

Project Approval Date:

SCAQMD Governing Board Hearing: July 11, 2014, 9:00 a.m.; SCAQMD Headquarters

CEQA Contact Person:	Phone Number:	Fax Number:	Email:
Mr. Jeffrey Inabinet	(909) 396-2453	(909) 396-3324	jinabinet@aqmd.gov
Rule Contact Person:	Phone Number:	Fax Number:	Email:
Mr. Randall Pasek	(909) 396-2251	(909) 396-3324	rpasek@aqmd.gov

Date Received for Filing _____

Signature To be signed upon project approval

Michael Krause
Program Supervisor, CEQA Section
Planning, Rule Development
and Area Sources

ATTACHMENT B

RESOLUTION NO. 2014-xx

A Resolution of the Governing Board amending Rule 2449 - Control of Oxides of Nitrogen from Off-Road Diesel Vehicles.

A Resolution of the South Coast Air Quality Management District Governing Board determining that the proposed amendments to Rule 2449 – Control of Oxides of Nitrogen from Off-Road Diesel Vehicles are exempt from the requirements of the California Environmental Quality Act (CEQA).

WHEREAS, the California Air Resources Board adopted the In-Use Off-Road Diesel Vehicle Regulation in May 2008 and submitted the regulation to U.S. Environmental Protection Agency (EPA) for authorization to implement the regulation in July 2008; and

WHEREAS, Rule 2449 was adopted in May 2008 incorporating by reference and opting-in to Section 2449.3, Title 13 of the California Code of Regulation (CCR); and

WHEREAS, in December 2011, the California Air Resources Board (CARB) amended Title 13, CCR, Section 2449 *et. seq.* removing Section 2449.2 and renumbering Section 2449.3 to Section 2449.2 and submitted the amended regulation to the U.S. EPA on March 1, 2012 requesting authorization to implement the regulation; and

WHEREAS, on September 30, 2013, the U.S. EPA issued a “Notice of Decision” granting CARB’s request for authorization of the In-Use Off-Road Diesel Vehicle Regulation including Title 13, CCR, Section 2449.2 – Surplus Off-Road Opt-In for NOx Program; and

WHEREAS, in reviewing Rule 2449 for approvability into the State Implementation Plan (SIP), the U.S. EPA indicated that Rule 2449 needs to be amended to reference the appropriate section of the State In-Use Off-Road Diesel Vehicle Regulation (Title 13, CCR, Section 2449.2); and

WHEREAS, no public meeting was conducted since the proposed amendments to Rule 2449 are administrative in nature; and

WHEREAS, the SCAQMD has had its regulatory program certified pursuant to Public Resources Code §21080.5 and has conducted CEQA review and analysis pursuant to such program (SCAQMD Rule 110); and

WHEREAS, the SCAQMD Governing Board finds and determines that the proposed amendments to Rule 2449 is considered a "project" pursuant to the California Environmental Quality Act (CEQA); however, SCAQMD staff reviewed the proposed project and because the proposed project is required in order to correctly reference state regulations and because the SCAQMD exercises no discretion with regard to the project as proposed, the proposed project is considered to be ministerially exempt from CEQA pursuant to CEQA Guidelines §15268 – Ministerial Projects.

WHEREAS, SCAQMD staff has prepared a Notice of Exemption for Rule 2449, as proposed to be amended, that is completed in compliance with CEQA Guidelines §15002 (k)(1) – General Concepts, and §15061 – Review for Exemption; and

WHEREAS, the SCAQMD staff has reviewed Proposed Amended Rule 2449, and determined that no socioeconomic impact assessment needs to be performed for the proposed amendments because they are administrative in nature and seek to clarify that the existing rule requirements of Rule 2449 are already in effect; and

WHEREAS, the SCAQMD Governing Board has determined that a need exists to adopt Proposed Amended Rule 2449 to ensure that the proposed amendment addresses U.S. EPA's concerns relating to the appropriate reference to the State In-Use Off-Road Diesel Vehicle Regulation (13, CCR, Section 2449.2). The above amendment would refer to Section 2449.2 instead of Section 2449.3, which is necessary for approval in the State Implementation Plan; and

WHEREAS, California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the SCAQMD Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report; and

WHEREAS, the SCAQMD Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Sections 39002, 40000, 40001, 40440, 40441, 40702, 40725 through 40728, 41508, and 41700 of the California Health and Safety Code; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-

Road Diesel Vehicles, as proposed to be adopted is written or displayed so that its meaning can be clearly understood by the persons directly affected by it; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, as proposed to be adopted is consistent with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, as proposed to be adopted does not duplicate the requirements of existing state or federal regulation and the proposed amended rule is necessary and proper to execute the powers and duties granted to, and imposed upon, the District; and

WHEREAS, the SCAQMD Governing Board has determined that Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, as proposed to be adopted, references the following statutes which the SCAQMD hereby implements, interprets or makes specific: Health and Safety Code 40001 (a) (rules to meet air quality standards) and 40440 (a) (rules to carry out the AQMP); and

WHEREAS, Health and Safety Code Section 40727.2 requires the SCAQMD to prepare a written analysis of existing federal air pollution control requirements applicable to the same source type being regulated whenever it adopts, or amends a rule, such that the SCAQMD's analysis of Proposed Amended Rule 2449 is included in the staff report; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the SCAQMD Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the SCAQMD Governing Board specifies the Assistant Deputy Executive Officer of the Mobile Source Division as the custodian of the Rule 2449 documents or other materials which constitute the record of proceedings upon which the adoption of this proposed project is based, which are located at the SCAQMD, 21865 Copley Drive, Diamond Bar, California; and

WHEREAS, the Notice of Exemption, the July 11, 2014 Board letter, and other supporting documentation were presented to the SCAQMD Governing Board and

the Governing Board has reviewed and considered the entirety of this information prior to approving the project; and

NOW, THEREFORE, BE IT RESOLVED that the SCAQMD Governing Board does hereby determine, pursuant to the authority granted by law, that amendment to Rule 2449 is exempt from CEQA requirements pursuant to CEQA Guidelines §15002 (k)(1) – General Concepts, §15061 (b)(3) – Review for Exemption, and §15268 – Ministerial Projects.

BE IT FURTHER RESOLVED, that the SCAQMD Governing Board does hereby adopt, pursuant to the authority granted by law, Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, as set forth in the attached and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the South Coast Air Quality Management District Board requests that Proposed Amended Rule 2449 be submitted in the State Implementation Plan; and

BE IT FURTHER RESOLVED, that the Executive Officer is hereby directed to forward a copy of this Resolution and Proposed Amended Rule 2449 to the California Air Resources Board for approval and subsequent submittal to the U.S. Environmental Protection Agency for inclusion into the State Implementation Plan.

DATE: _____

Saundra McDaniel, Clerk of the Board

ATTACHMENT C – DRAFT RULE LANGUAGE

(Adopted May 2, 2008)
(PAR 2449 April 2014)

Proposed Amended Rule 2449. Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles

The provisions of Article 4.8, Chapter 9, Title 13 of the California Code of Regulations (CCR), Section 2449.3, in effect June 15, 2008, were adopted in full by the South Coast Air Quality Management District on May 2, 2008 through the “opt-in” provision provided in the regulation and were made part of the Rules and Regulations of the South Coast Air Quality Management District.

Article 4.8, Chapter 9, Title 13 of the CCR, Section 2449.3 was amended in December 14, 2011 by the California Air Resources Board and renumbered to section 2449.2. Effective December 14, 2011 Section 2449.2 shall apply to the owner of any off-road diesel vehicle as described.

The provisions of this Regulation apply to the owner of any off-road diesel vehicle as described in Section 2449.32(b) operating in the South Coast Air Quality Management District. Upon the District’s issuance of a solicitation for applications for funding, fleet owners subject to Section 2449.32 shall submit applications for funding, in accordance with the Rule 2449 Administrative Guidelines developed to implement Section 2449.32.

Title 13, Motor Vehicles – Off-Road Vehicles and Engines Pollution Control Devices Chapter 9

Section 2449.3 Surplus Off-Road Opt-In for NOx (SOON) Program

(13 CCR 2449.3, June 15, 2008) (SCAQMD Adopted May 2, 2008)

Section 2449.2 Surplus Off-Road Opt-In for NOx (SOON) Program

(13 CCR 2449.2, December 14, 2011) (SCAQMD Amended xxx)

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
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Draft Staff Report

**Proposed Amended Rule 2449 – Control of Oxides of Nitrogen
Emissions from Off-Road Diesel Vehicles**

May 2014

Deputy Executive Officer

Planning, Rule Development, and Area Sources
Elaine Chang, DrPH

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**SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
GOVERNING BOARD**

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EXECUTIVE OFFICER:

BARRY R. WALLERSTEIN, D.Env.

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EXECUTIVE SUMMARY

The South Coast Air Quality Management District (SCAQMD or District) is proposing an administrative amendment to Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, to revise the reference from Section 2449.3 to Section 2449.2, Title 13 of the California Code of Regulation. As the provisions referred to in the proposed amendment are already in effect, they represent no change to existing requirements on affected fleets.

INTRODUCTION

Off-road diesel vehicles collectively represent one of the largest sources of NO_x and significantly contributed to PM_{2.5} and ozone air quality in the South Coast Air Basin. In July 2007, CARB adopted the “In-Use Off-road Diesel Vehicle” regulation to reduce these emissions statewide by requiring fleets to meet increasingly stringent PM and NO_x fleet average targets or annual turnover requirements. As part of the adoption, CARB added provisions to the State Regulation to include the Surplus Off-Road Opt-In for NO_x (SOON) provisions contained in Section 2449.3, Title 13 of the California Code of Regulations (CCR), which allow air district to opt-in to the SOON program to achieve additional NO_x reductions from off-road diesel vehicles. Section 2449.3 was finalized by CARB as part of the State Regulation (Title 13, CCR, Section 2449 *et. seq.*) and submitted to the California Office of Administrative Law (OAL) for final approval on April 4, 2008. OAL approved the rulemaking and filed it with the Secretary of State on May 16, 2008. The regulation became effective on June 15, 2008.

The SOON provisions apply to affected fleets of off-road diesel vehicles as described in Section 2449.3(b). Once an air district has opted-in to the program, the SOON provisions require the affected fleets to submit an application for funding upon the District’s issuance of a solicitation for applications for funding. On May 2, 2008, the Board opted-in to the SOON program and adopted Rule 2449 by referencing the SOON provisions of the CARB Regulation (Title 13, CCR, Section 2449.3).

Rule 2449 was submitted to CARB on May 23, 2008 for approval. CARB approved Rule 2449 on July 2, 2008 and forwarded Rule 2449 on to U.S. EPA as a revision to the State Implementation Plan. In December 2011, prior to U.S. EPA review of Rule 2449, CARB amended the “In-Use Off-Road Diesel Vehicle” Regulation and removed Section 2449.2, Title 13 of the CCR, and renumbered the SOON Provision Section 2449.3 to Section 2449.2. CARB submitted the amended regulation on March 1, 2012 to U.S. EPA for authorization to implement the Regulation under hould Section 209(e) of the Clean Air Act. The U.S. EPA issued a “Notice of Decision” on September 30, 2013 granting CARB’s request for authorization of the Regulation. (78FR58090 *et. seq.*). As part of their review of the approvability of Rule 2449, U.S. EPA indicated that Rule 2449 should be amended to reference the appropriate section of the State Regulation.

SUMMARY OF PROPOSED AMENDED RULE 2449

Proposed Amended Rule (PAR) 2449 would revise the reference to the SOON provisions provided in the In-Use Off-Road Diesel Vehicle Regulation (Title 13, CCR, 2449 *et. seq.*)

from Section 2449.3 to Section 2449.2. PAR 2449 is provided as Attachment A to this Report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The SCAQMD has reviewed the proposed project pursuant to the CEQA Guidelines §15002 (k)(1), the first step of a three-step process for deciding which document to prepare for a project subject to CEQA. Staff is proposing an administrative amendment to SCAQMD Rule 2449 to revise the reference from Section 2449.3 to Section 2449.2 of Title 13 of the California Code of Regulation. Because the SCAQMD exercises no discretion with regard to the proposed project, it is considered to be ministerially exempt. Therefore, the SCAQMD has determined the proposed amendments are statutorily exempt from CEQA pursuant to CEQA Guidelines §15268 – Ministerial Projects. As a result, no significant adverse impacts on the environment are expected from the proposed project. Since it can be seen with certainty that the proposed project has no potential to adversely impact air quality or any other environmental area, it is exempt from CEQA pursuant to state CEQA Guidelines §15061(b)(3) – Review for Exemption. If approved, the Notice of Exemption will be filed with the county clerks of Los Angeles, Orange, Riverside and San Bernardino counties immediately following action on the proposed project.

SOCIOECONOMIC ASSESSMENT

The proposed amendments to Rule 2449 are administrative in nature and do not have any socioeconomic impacts.

DRAFT FINDINGS REQUIRED BY THE CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health and Safety Code Section 40727 requires that prior to adopting, amending or repealing a rule or regulation, the District Governing Board shall make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report. The following provides a summary of the draft findings.

Necessity

A need exists to adopt Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, to ensure that the proposed amendment addresses an approvability issue raised by U.S. EPA's relating to the appropriate reference of Rule 2449 to State Regulation (Title 13, CCR, Section 2449.2).

Authority

The District Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from Health and Safety Code §§ 40000, 40001, 40440, 40441, 40447.5, 40463, 40702, 40725 through 40728, and 40910 through 40920.5, inclusive.

Clarity

Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles is written and displayed so that the meaning can be easily understood by persons directly affected by it.

Consistency

Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions, or state or federal regulations.

Reference

By adopting Proposed Amended Rule 2449 – Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles, the District Governing Board will be implementing, interpreting or making specific the provisions of the California Health and Safety Code Sections 40000 and 40001 (rules to achieve and maintain ambient air quality standards) and 40440(a) (rules to implement the AQMP).

APPENDIX A

PROPOSED AMENDED RULE 2449

(Adopted May 2, 2008)
(PAR 2449 April 2014)

Proposed Amended Rule 2449. Control of Oxides of Nitrogen Emissions from Off-Road Diesel Vehicles

The provisions of Article 4.8, Chapter 9, Title 13 of the California Code of Regulations (CCR), Section 2449.3, in effect June 15, 2008, were adopted in full by the South Coast Air Quality Management District on May 2, 2008 through the “opt-in” provision provided in the regulation and were made part of the Rules and Regulations of the South Coast Air Quality Management District.

Article 4.8, Chapter 9, Title 13 of the CCR, Section 2449.3 was amended in December 14, 2011 by the California Air Resources Board and renumbered to section 2449.2. Effective December 14, 2011 Section 2449.2 shall apply to the owner of any off-road diesel vehicle as described.

The provisions of this Regulation apply to the owner of any off-road diesel vehicle as described in Section 2449.32(b) operating in the South Coast Air Quality Management District. Upon the District’s issuance of a solicitation for applications for funding, fleet owners subject to Section 2449.32 shall submit applications for funding, in accordance with the Rule 2449 Administrative Guidelines developed to implement Section 2449.32.

**Title 13, Motor Vehicles – Off-Road Vehicles and Engines Pollution Control Devices
Chapter 9**

Section 2449.3 Surplus Off-Road Opt-In for NOx (SOON) Program

(13 CCR 2449.3, June 15, 2008) (SCAQMD Adopted May 2, 2008)

Section 2449.2 Surplus Off-Road Opt-In for NOx (SOON) Program

(13 CCR 2449.2, December 14, 2011) (SCAQMD Amended xxx)