



Air Resources Board DEC 27 2013



Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

BY: _____

Edmund G. Brown Jr.
Governor

Matthew Rodriguez
Secretary for
Environmental Protection

December 20, 2013

The Honorable Gary Cadd
City of Redding
777 Cypress Avenue
Redding, CA 96001

COPY TO:		<input checked="" type="checkbox"/> Council	<input checked="" type="checkbox"/> City Manager
		<input type="checkbox"/> Clerk	<input checked="" type="checkbox"/> City Attorney
Other Depts:			
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Dear Councilman Cadd:

Thank you for your letter requesting a meeting to "enter into coordination" with the City of Redding regarding California's Truck and Bus Regulation. The California Air Resources Board (CARB) respectfully declines this request.

Your letter outlines the concept of "coordination" and states it is a formal process mandated on ARB through the National Environmental Protection Act (NEPA) that would require CARB to obtain the approval of the City of Redding before it can adopt or enforce a clean air requirement that might impact the City's residents. This view is at odds with established legal authorities and would fundamentally alter the comprehensive legislative schemes adopted by Congress and the California Legislature for air pollution control and environmental review and undermines the ability of CARB to protect public health and the environment.

NEPA of 1969 (42 U.S.C., § 4321 et seq.) does not require CARB to "coordinate" with a local government agency in the manner described in your letter. NEPA applies only to "proposals for legislation and other major federal actions" proposed by federal agencies. (42 U.S.C., §4332(C); see *Kleppe v. Sierra Club* (1976) 427 U.S. 390.). CARB is not a federal agency and does not approve "major federal actions." As a State agency, CARB is not subject to the requirements of NEPA and accepting federal funds does not transform it into a federal agency under NEPA. California state agencies, like CARB, follow the requirements of the California Environmental Quality Act (CEQA; Pub. Resources Code § 21000, et seq.). In adopting the Regulation, CARB followed all requirements of CEQA, and will continue to do so as it considers future amendments.

CARB also fully complies with the California Administrative Procedures Act (APA, Govt. Code §11340, et seq.) in adopting regulations and amendments^[1]. Between CEQA and APA, the public is afforded multiple opportunities to participate in ARB's regulatory process, including the development of forthcoming amendments to the Regulation.

^[1] http://www.oal.ca.gov/Regular_Rulemaking_Process.htm

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

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I appreciate your participation in the December 5, 2013 workshop CARB held in Redding to discuss and seek public input on changes currently being proposed to the Truck and Bus Regulation. I encourage you to continue to take full advantage of the opportunities the law provides to participate in ARB's open public process for amending the Regulation. ARB maintains a list-serve^[2] for keeping abreast of these opportunities. You might also find the webpage^[3] for the Truck and Bus Regulation helpful as well. If you have any questions about the Regulation, please contact Mr. Erik White, Chief of Mobile Source Operations Division, at (626) 450-6150 or via email at ewhite@arb.ca.gov.

Sincerely,



Mary D. Nichols
Chairman

cc: Richard W. Corey
Executive Officer

Erik White, Chief
Mobile Source Operations Division

^[2] http://www.arb.ca.gov/listserv/listserv_ind.php?listname=onrdiesel

^[3] <http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>