

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-08-002

Public Hearing to Consider Adoption of a Regulation for
In-Use Off-Road Diesel Vehicles

WHEREAS, on May 24, 2007, and July 26, 2007, the Air Resources Board (the Board or ARB) conducted public hearings to consider adoption of a regulation for In-use Off-Road Diesel Vehicles, as set forth in the Initial Statement of Reasons released to the public on April 6, 2007;

WHEREAS, at the July 26, 2007, public hearing the Board adopted Resolution 07-19 in which the Board approved adoption of section 2449, title 13, California Code of Regulations (CCR), with the modifications set forth in Attachment B and C thereto;

WHEREAS, Resolution 07-19 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments B and C to Resolution 07-19, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on December 10, 2007, the modified regulations, reflecting the amendments approved by the Board and other conforming modifications made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 25-days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on February 5, 2007, additional modifications were prepared in response to the comments received during the first 15-day comment period, and were made available for public comment for a period of 30 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, comments were received during the second 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on March 5, 2008, additional modifications were prepared in response to the comments received during the second 15-day comment period, and were made available for public comment for a period of at least 15 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, comments were received during the third 15-day comment period and those comments have been considered by the Executive Officer;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 07-19 are incorporated by reference herein.

IT IS FURTHER ORDERED that I hereby approve each of the written responses in Attachment 2 hereto to comments raising significant environmental issues in this rulemaking.

IT IS FURTHER ORDERED that amendments to title 13, CCR, section 2449 are adopted as set forth in Attachment 1 hereto.

Executed this 4th day of April , 2008, at Sacramento, California.

_____ /s/
James N. Goldstene
Executive Officer

Attachment