

REQUEST FOR EARLY EFFECTIVE DATE

AB 118 AIR QUALITY GUIDELINES FOR THE AIR QUALITY IMPROVEMENT PROGRAM AND THE ALTERNATIVE AND RENEWABLE FUEL AND VEHICLE AND TECHNOLOGY PROGRAM

The Air Resources Board (ARB or Board) formally requests, under Government Code section 11343.4(c), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the AB 118 Air Quality Guidelines for the Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle Technology Program (AB 118 Air Quality Guidelines) regulations that were adopted on September 25, 2008 (Agenda Item 08-8-7, Notice File No. Z-08-0729-07). The ARB believes the following demonstrates “good cause” for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

The AB 118 Air Quality Guidelines ensure that both the Air Quality Improvement Program (AQIP), administered by ARB, and the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the California Energy Commission (Energy Commission), complement, and do not interfere with, California’s existing air quality programs and maintain or improve upon the emission benefits achieved through these programs. The AB 118 Air Quality Guidelines set standards that the funding agencies (i.e., ARB and the Energy Commission) will use to initially evaluate potential projects for incentive funding under AQIP and the Alternative and Renewable Fuel and Vehicle Technology Program. The AB 118 Air Quality Guidelines are designed to screen out those projects that would interfere with existing air quality programs.

The AQIP will award approximately \$50 million per year through 2015 to a variety of project types specified in Assembly Bill 118, including off-road and on-road equipment, evaporative emission controls, hybrid technologies, lawn and garden equipment, research regarding the air quality impacts of alternative fuels and vehicles, and workforce training to reduce air pollutant emissions. The Alternative and Renewable Fuel and Vehicle Technology Program provides the Energy Commission with approximately \$120 million per year through 2015 to develop and deploy innovative technologies that transform California’s fuel and vehicle types to help attain the state’s climate change policies. In addition, the development of these innovative technologies will provide benefits to the state’s economy. Currently, the legislature has provided the Energy Commission with \$75 million for projects to be funded this year, with approximately \$42.3 million appropriated to ARB for the AQIP in fiscal year 2009-2010.

The Energy Commission approved regulatory guidelines for the administration of the Alternative and Renewable Fuel and Vehicle Technology Program on February 29, 2009. These regulations received an early effective date and became effective on April 22, 2009. As soon as the AB 118 Air Quality Guidelines become

