

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text and  
Availability of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER PROPOSED REGULATION TO REDUCE EMISSIONS FROM IN-USE ON-ROAD DIESEL VEHICLES, AND AMENDMENTS TO THE REGULATIONS FOR IN-USE OFF-ROAD VEHICLES, DRAYAGE TRUCKS, MUNICIPALITY AND UTILITY VEHICLES, MOBILE CARGO HANDLING EQUIPMENT, PORTABLE ENGINES AND EQUIPMENT, HEAVY-DUTY ENGINES AND VEHICLE EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES AND COMMERCIAL MOTOR VEHICLE IDLING

Public Hearing Date: December 11, 2008  
First Public Availability Dates: August 19, 2009 – September 3, 2009  
Second Public Availability Date: October 6, 2009  
Deadline for Public Comment: October 21, 2009

At its December 11, 2008, public hearing, the Air Resources Board (ARB or Board) approved the adoption of the “Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, and Greenhouse Gases from In-Use Heavy-Duty Diesel-Fueled Vehicles” (Truck and Bus Regulation) to the California Code of Regulations (Cal. Code Regs.) title 13, in new section 2025. The Truck and Bus Regulation will significantly reduce emissions of diesel particulate matter (PM) and oxides of nitrogen from in-use on-road heavy-duty diesel-fueled vehicles owned or operated in California by requiring the use of best available control technology (BACT), which is defined in the approved regulation. The Truck and Bus Regulation also supports the Diesel Risk Reduction Plan, which was adopted by the Board on September 30, 2000.

The Board also approved amendments to several existing regulations. The amended regulations are contained in Cal. Code Regs., title 13, section 2020, “Purpose and Definitions of Diesel Particulate Matter Control Measures;” sections 2022 and 2022.1, “Diesel Particulate Control Measure for Municipality or Utility On-Road Heavy-Duty Diesel-Fueled Vehicles;” section 2027, “Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks;” sections 2449 and 2449.3, “Regulation for In-Use Off-Road Diesel-Fueled Fleets;” sections 2451, 2452, 2453, 2455, 2456, 2458, 2461, and 2462 of the “Statewide Portable Equipment Registration Program;” section 2479, “Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Railyards;” section 2485, “Airborne Toxic Control Measure to Limit Diesel Fueled Commercial Motor Vehicle Idling;” section 1956.8, “Exhaust Emissions Standards and Test Procedures – 1985 and Subsequent Model Heavy-Duty Engines and Vehicles;” and title 17, sections 93116.1, 93116.2 and 93116.3 of the “Airborne

Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater.”

### **The Board’s Action**

At the hearing, the Board adopted Resolution 08-43, in which it approved the initially proposed Truck and Bus Regulation and the amendments to the regulations described above (respectively attached to the Resolution as Attachments A and B) with modifications proposed by staff at the hearing (Attachments C and D, which respectively reflect changes to the Truck and Bus Regulation and subsequent amendments to the other regulations.) The modifications set forth in Attachments C and D had been suggested by staff in response to comments made since the Notice of Public Hearing and Initial Statement of Reasons (Staff Report) was initially published on October 24, 2008. Resolution 08-43 and its attachments are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2008/truckbus08/truckbus08.htm>.

Printed copies may be obtained by contacting Ms. Gloria Lindner, Mobile Source Control Division, at (916) 323-2803.

Resolution 08-43 directed the Executive Officer to incorporate the approved modifications, including additional modifications as directed by the Board at the hearing, into the proposed regulatory text, with other such modifications as may be appropriate, and to make the modified text available for a supplemental comment period of at least 15 days. On August 19, 2009, the Executive Officer issued a first Notice of Availability of Modified Text that allowed interested persons to comment on the proposed modifications through September 3, 2009 (First 15-Day Notice). After review of comments received during the First 15-Day Notice and review of the rulemaking record, the Executive Officer has determined the need to issue a Second Notice of Availability of Modified Text and Availability of Additional Documents and Information (Second 15-Day Notice).

### **Availability of Modified Text and Emission Inventory Database and the Public Comment Process**

**Modified text being made available:** Attachment 1 to this notice contains the proposed modifications that were made available by the First 15 day Notice on August 19, 2009, those are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions. The additional proposed modifications made available by this second “15 day” notice are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions.

A summary of proposed modifications to the regulatory text are summarized below. The additional proposed modifications to the regulatory language referenced below, are available for public comment during this Second 15 day Notice comment period. The attachments are available at the following ARB website:

<http://www.arb.ca.gov/regact/2008/truckbus08/truckbus08.htm>.

## **Summary of Proposed Modifications made in Attachment 1**

### **Section 2025(d)(51)**

Language has been added to the definition of, “Motor Home” to include motor vehicles that exclusively tow inhabitable trailers that are used for non-commercial, recreational or emergency occupancy.

### **Section 2025(e)(7)(B)**

Language has been modified and added to clarify that vehicles that are not required to have an operating authority number from the Public Utilities Commission may utilize the flexibility options in the regulation like other vehicles.

### **Section 2025(p)(8)(B)**

Language has been modified to change the 2017 date to 2018. The 2017 date did not agree with 2018 date in section 2025(p)(8)(A) which set the date at which the credit for hybrid vehicles expires.

## **Emission Inventory Database**

The Staff Report: Initial Statement of Reasons and associated Technical Support Document were released on October 24, 2008, and referenced an Emission Inventory Database that was to be made available with the Staff Report. The database was subsequently posted to ARB’s website on November 7, 2008, without formal public notice. The database is available for public comment during this “second 15 day” notice comment period.

### **Comments and Subsequent Action:**

Written comments will only be accepted on the additional modifications that are proposed herein and set forth in Attachment I. The written comments may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the Clerk of the Board in one or two forms described above and received by ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or language, please contact the Clerk of the Board at (916) 322-5594 or by Facsimile at (916) 322-3928 as soon as possible. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Attachment (1)

*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 at [www.arb.ca.gov](http://www.arb.ca.gov)*