

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER R-06-005**

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE DIESEL PARTICULATE  
MATTER CONTROL MEASURE FOR ON-ROAD HEAVY-DUTY DIESEL-FUELED  
VEHICLES OWNED OR OPERATED BY PUBLIC AGENCIES AND UTILITIES**

WHEREAS, on December 8, 2005, the Air Resources Board (the Board or ARB) conducted a public hearing to consider adoption of a diesel control measure for on-road heavy-duty diesel-fueled vehicles owned or operated by public agencies or utilities, as set forth in the Initial Statement of Reasons released to the public on October 21, 2005;

WHEREAS, following the public hearing on December 8, 2005, the Board adopted Resolution 05-64 in which the Board approved adoption of new sections 2022 and 2022.1, title 13, California Code of Regulations (CCR), as set forth in Attachment A, thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 05-64 directed the Executive Officer to incorporate into the approved regulations the modifications set forth in Attachment B, with such other conforming modifications as may be appropriate, and then to adopt the regulations as modified, after making the modified regulatory language available to the public for a period of at least 15 days, considering such written comments as may be submitted during this period, making such modifications as may be appropriate in light of the comments received, and presenting the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on July 7, 2006, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 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; and

WHEREAS, Attachment 1 hereto sets forth the modified regulations as made available for supplemental public comment, with the additional nonsubstantial modifications listed in Attachment A to the Final Statement of Reasons for this rulemaking.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 05-64 are incorporated by reference herein.

IT IS FURTHER ORDERED that new sections 2022 and 2022.1, title 13, CCR are adopted as set forth in Attachment 1 hereto.

Executed this 4th day of October, 2006, at Sacramento, California.

/s/

Catherine Witherspoon  
Executive Officer

Attachment