

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-05-004

Relating to the Rulemaking for Proposed Amendments to the Regulation for the
Statewide Portable Equipment Registration Program

WHEREAS, on February 26, 2004, the Air Resources Board (the ARB or Board) conducted a public hearing to consider the proposed amendments to the regulation for the Statewide Portable Equipment Registration Program as set forth in the Initial Statement of Reasons and Staff Report released to the public on January 9, 2004;

WHEREAS, following the public hearing, the Board adopted Resolution 04-8, in which the Board approved the proposed amendments of sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, and repeal of 2466, title 13, California Code of Regulations, as set forth in Attachment A thereto, with the modifications described in Attachment B thereto;

WHEREAS, on May 13, 2004, 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 at least 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, five written comments were received during the first 15-day period and have been considered by the Executive Officer; the Executive Officer subsequently determined that additional modifications were appropriate;

WHEREAS, on December 17, 2004 a second 15-day notice was made available in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated; regarding an increase of fees to recover the reasonable costs of inspection. It was determined that the proposed changes would not be made.

WHEREAS, the Executive Officer adopted the statewide portable equipment registration program amendments and repeal of regulations by Executive Order G-04-076, dated January 7, 2005, and submitted them to the Office of Administrative Law for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on February 18, 2005, the Office of Administrative Law disapproved the Board's proposed amendments and repeal of regulations because some of the changes were unclear, and because the Board's responses to public comments that were submitted to it concerning the proposed changes were inadequate;

WHEREAS, modifications to the approved regulations were made in order to correct the deficiencies specified in the Decision of Disapproval by the Office of Administrative Law;

WHEREAS, the modifications were made available for a third 15-day comment period starting May 6, 2005, in accordance with the provisions of section 44, title 1, California Code of Regulations, with the modifications clearly indicated; and

WHEREAS, three 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 04-8 are incorporated by reference herein.

IT IS FURTHER ORDERED, in accordance with Resolution 04-8, that sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, and repeal of 2466, 13, CCR, are adopted," as set forth in Attachment A, are hereby adopted.

Executed this _____ day of June, 2005, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment