

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-04-017

Relating to Amendments to the California Diesel Fuel Regulations

WHEREAS, on July 24, 2003, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments to the California Diesel Fuel Regulations and related regulations;

WHEREAS, following the public hearing on July 24, 2003, the Board adopted Resolution 03-17, in which the Board approved the proposed adoption of or amendments to sections 2281, 2282, 2284, 2285, 2701, and 1961(d) of title 13, and section 93114, title 17, California Code of Regulations (CCR), as set forth in Attachment A thereto, with the modifications described in Attachment C thereto, and approved the amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" as set forth in Attachment B thereto;

WHEREAS, in Resolution 03-17, the Board directed the Executive Officer to transmit the regulatory actions approved therein to the Environmental Policy Council with the recommendation that the Council determine that there will be no significant adverse impact on public health or the environment, including any impact on air, water or soil, that is likely to result from the change in diesel fuel that is expected to be implemented to meet the amendments to the California diesel fuel regulations approved therein;

WHEREAS, Resolution 03-17 also directed the Executive Officer (1) to incorporate into the approved regulations the modifications described in Attachment B thereto and such other conforming modifications as may be appropriate; (2) to make the modified regulations, with the modifications clearly indicated, available for supplemental public comment for a period of at least 15 days; (3) to consider any comments on the modifications received during the supplemental comment period; and then (4) consistent with the Resolution, either to adopt the regulations as made available with any appropriate additional modifications, or to present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the modified text of the proposed regulatory amendments, reflecting the Board-approved modifications, and additional modifications consistent with the Board's direction, was made available for a supplemental 15-day comment period starting March 11, 2004, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, four written comments were received during the supplemental 15-day comment period, and on the basis of the comments the Executive Officer determined that additional modifications were appropriate for proposed new sections 2284 and 2285; those additional modifications were made available for a second supplemental 15-day comment period starting April 29, 2004, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, on April 30, 2004, the Environmental Policy Council determined that the regulatory actions regarding motor vehicle fuels will not have any significant adverse impact on public health or the environment;

WHEREAS, on May 10, 2004, I issued Executive Order G-012, in which I adopted amendments to sections 2281 and 2282, title 13, CCR, attached thereto as Attachment 1, reflecting the modified regulatory text of these regulations made available for the 15-day comment period, and additional nonsubstantial corrections;

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

WHEREAS, Attachment I hereto contains the text of newly adopted or amended sections 2284, 2285, 2701(a)(2), and 1961(d) of title 13, and section 93114, title 17, CCR, as approved by the Board and further modified in connection with the two notices of supplemental 15-day comment periods and with a further nonsubstantial correction to section 93114; Attachment II hereto contains the Board-approved amendments to the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," which is incorporated by reference in section 1961(d), title 13, CCR;

WHEREAS, Attachment I hereto also contains the amendments to sections 2281 and 2282, title 13, CCR, as adopted by Executive Order G-04-012 with two additional nonsubstantial corrections to section 2282(g)(2)(A)3.a and (g)(3)(A) indicating that viscosity is measured in degrees Celsius;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-17 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 03-17 and Health and Safety Code sections 39515 and 39516, that sections 2284, 2285, 2701, and 1961(d) of title 13, and section 93114, title 17, CCR, are hereby adopted or amended as set forth in Attachment I hereto; the nonsubstantial corrections to section 2282(g)(2)(A)3.a and (g)(3)(A) as shown in Attachment I are also adopted, and the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," which is incorporated by

reference in section 1961(d), title 13, CCR, is hereby amended as shown in Attachment II hereto.

Executed this 28 day of May, 2004, at Sacramento, California.

/s/
Catherine Witherspoon
Executive Officer

Attachment