

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-04-012

Relating to the Amendments to the Regulations on the Sulfur and Aromatic Hydrocarbon Content of California Diesel Fuel, Sections 2281 and 2282, Title 13, California Code of 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, including sections 2281 (Sulfur Content of Diesel Fuel) and 2282 (Aromatic Hydrocarbon Content of Diesel Fuel), title 13, California Code of Regulations (CCR);

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, 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 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, 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 these comments have been considered by the Executive Officer;

WHEREAS, the Executive Officer has determined on the basis of comments received that additional modifications are appropriate for proposed new sections 2284 and 2285, and a second supplemental comment period has been initiated for those additional modifications;

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, Attachment 1 hereto contains amendments to sections 2281 and 2282, title 13, CCR, reflecting the modified regulatory text of these regulations made available for the 15-day comment period, and additional nonsubstantial corrections.

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 the amendments to sections 2281 and 2282, title 13, CCR, are hereby adopted as set forth in Attachment 1 hereto, the Partial Final Regulation Order.

Executed this 10th day of May, 2004, at Sacramento, California.

/s/
Catherine Witherspoon
Executive Officer

Attachment