



Linda S. Adams  
Secretary for  
Environmental Protection

# Air Resources Board

Mary D. Nichols, Chairman  
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Arnold Schwarzenegger  
Governor

## MEMORANDUM

TO: David Potter, Staff Counsel  
Office of Administrative Law

FROM: Amy Whiting /s/  
Regulations Coordinator

DATE: October 20, 2008

SUBJECT: OAL Regulatory Action Number: 2008-0905-05S

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Pursuant to your findings in review of the above-referenced Regulatory Action, the Air Resources Board hereby authorizes you to substitute the attached regulatory text, to the form 400, with the original text that was filed on September 5, 2008, and file it with the Secretary of State.

The changes to the regulatory text are non-substantive and we have discussed the changes in how the regulations are to be printed. In summary, these changes include:

1. The replacement of text originally proposed as section 2299.5, title 13, CCR with a single paragraph pointing to the fuel use requirements in the new section 93118.5, title 17, CCR. As adopted by ARB, these two sections would have contained substantively identical provisions to alert persons reading ARB's title 13 fuels regulations of the fuel use requirements in this rulemaking. OAL, however, did not believe the duplicative sections were warranted because the new regulation was not predominately a fuel standard. ARB concurs with the replacement of the planned title 13 section with a paragraph that alerts readers to the fuel use requirements for harbor craft (including ocean-going tugboats and towboats), and refers them to section 93118.5. This changes leaves all substantive requirements of the new regulation unchanged.
2. In section 93118.5(d), the final sentence in four fuel definitions were deleted on pages 14, 15, and 17.
3. In section 93118.5(j)(1) on page 46, a phrase was added to indicate that ISO standards and a section of the Federal Code of Regulations was incorporated by reference.

Thank you for your assistance in this matter. If you have any questions please feel free to contact me at (916) 322-6533.

*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: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Enclosures

cc: Stephen Adams, Senior Staff Counsel