

## REQUEST FOR EARLY EFFECTIVE DATE

PURSUANT to Government Code section 11343.4(b), the Air Resources Board (ARB) requests an early effective date for the enclosed adoption of the amendments to the following regulations: title 13, California Code of Regulations (Cal. Code Regs.), section 2020, "Purpose and Definitions of Diesel Particulate Matter Control Measures," sections 2022 and 2022.1, "Diesel Particulate Control Measure for Municipality or Utility On-Road Heavy-Duty Diesel-Fueled Vehicles," section 2027, "Regulation to Control Emissions from In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks," sections 2449 and 2449.3, "Regulation for In-Use Off-Road Diesel-Fueled Fleets," sections 2451, 2452, 2453, 2455, 2456, 2458, 2461, and 2462 of the "Statewide Portable Equipment Registration Program;" section 2479, "Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Railyards," section 2485, "Airborne Toxic Control Measure to Limit Diesel Fueled Commercial Motor Vehicle Idling," section 1956.8, "Exhaust Emissions Standards and Test Procedures – 1985 and Subsequent Model Heavy-Duty Engines and Vehicles," and title 17, Cal. Code Regs., sections 93116.1, 93116.2 and 93116.3 of the "Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater.

The amendments to the existing regulations were made to ensure that the existing regulations were consistent with requirements of a newly proposed regulation to be codified at section 2025, title 13, Cal. Code Regs., entitled "Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles" (Truck and Bus regulation).<sup>1</sup> The changes were made to clarify a number of issues -- most importantly, to relieve certain stakeholders from having to comply with multiple regulations for the same vehicle – to provide additional compliance flexibility, and to improve enforceability in general of the existing regulations. Several of the amendments were adopted to relieve stakeholders from compliance obligations (e.g., owners of two-engine cranes with tier 0 engines) that are scheduled to be implemented and enforced starting on January 1, 2010, and an early effective date is essential to provide these stakeholders with certainty as to their obligations and responsibilities.

Indeed, stakeholders that would have been subject to multiple regulations for the same vehicle have directly requested that ARB bifurcate the rulemaking package and request an early effective date so that they are not out-of-compliance with one or more

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<sup>1</sup> As evidenced by this request for an early effective date, ARB has bifurcated the rulemaking into two separate filings. The Truck and Bus regulation will be submitted to OAL under separate cover on or before October 23, 2009.

regulations on January 1, 2010. Other affected stakeholders have been on notice of adopted amendments for well over a year and would not be affected by an early effective date. Additionally, an early effective date would not adversely affect the general public.

ARB intends to notify all affected stakeholders of the effective date of the amendments as soon as it is known.

Date: October 15, 2009

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