

REQUEST FOR AN EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB or Board) requests that the Office of Administrative Law (OAL) prescribe an "earlier effective date" for the amendments to the Airborne Toxic Control Measure for Stationary Compression-Ignition Engines (ATCM) that were adopted on October 21, 2010. ARB believes the following demonstrates "good cause" for OAL to prescribe an earlier effective date – i.e., an effective date to coincide with the filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board adopted amendments to the ATCM to closely align the requirements with federal regulations for the same engines. Among other things, these amendments relax the emissions standards for new emergency standby engines that under the current ATCM would become effective January 1, 2011. The amendments also provide significant cost-savings for owners and operators of these engines. Since a regulation cannot be enforced until it is legally effective, we are requesting an early effective date. An early effective date provides certainty and clarity to purchasers of new emergency standby engines. It will also remove any conflict between State and federal requirements for these engines.

For these reasons, ARB hereby requests that OAL approve an earlier effective date, coinciding with submittal to the Secretary of State.

Date: March 2, 2011

/s/

George T. Poppic, Jr.
Senior Staff Counsel