

REQUEST FOR EARLY EFFECTIVE DATE

THE AMENDMENTS TO THE AMENDMENTS TO THE REGULATIONS APPLICABLE TO PORTABLE DIESEL ENGINES AND DIESEL ENGINES USED IN OFF-ROAD AND ON-ROAD VEHICLES

Pursuant to Government Code section 11343.4(c), the Air Resources Board (ARB) requests that its most recent amendments to the Statewide Portable Equipment Registration Program Regulation (PERP Regulation), the Airborne Toxic Control Measure For Diesel Particulate Matter From Portable Engines (Portable Engine ATCM), the Regulation for In-Use Off-Road Diesel Fueled Vehicles (Off-Road Vehicle Regulation), and the Regulation for In-Use On-Road Diesel-Fueled Vehicles (On-Road Vehicle Regulation) become effective upon filing with the Secretary of State. Good cause for this request exists.

In recent months, numerous owners of portable engines and some local air districts have expressed concerns about the ability for owners of portable engines to comply with the requirement to replace all uncertified portable engines by January 1, 2010 as required by the Portable Engine ATCM. Many of these owners have indicated that, in large part due to the slower economy, they lack the ongoing revenues to replace older engines with new models.

To address this issue, ARB staff, in consultation with affected industry and the local air districts, developed proposed amendments to the Statewide PERP Regulation, the Portable Engine ATCM, the Off-Road Vehicle Regulation, and the On-Road Vehicle Regulation. These amendments included allowing owners of portable engines to choose certain uncertified engines to operate until December 31, 2010. The owners of the portable engines must choose which engines to receive the operating extension by June 30, 2010, however.

At the January 28, 2010 Board hearing, staff presented the proposed amendments to the four regulations. These amendments are intended to provide temporary economic relief to owners of portable engines and also will provide additional clarity to the regulations applicable to portable engines.

Since owners of portable engines must select engines for the operating extension by June 30, 2010, the proposed amendments need to become effective early enough to provide owners the time necessary to make the selections and submit the request to the appropriate regulatory agency before the deadline passes.

Date: July 30, 2010

/s/

George Poppic
Senior Staff Counsel