

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-11-008

Relating to the Regulatory Amendments to the Periodic Smoke Inspection Program in Response to the Inclusion of Diesel Vehicles in Smog Check (Assembly Bill 1488, Mendoza 2007)

WHEREAS, on October 21, 2010, the Air Resources Board (ARB or the Board) conducted a public hearing to consider the proposed amendments to the Periodic Smoke Inspection Program Regulations, as set forth in the Initial Statement of Reasons released to the public on September 1, 2010;

WHEREAS, following the public hearing, the Board adopted Resolution 10-34, in which the Board approved the amendments to sections 2190, 2191, and 2194, title 13, California Code of Regulations, as set forth in Attachment A thereto, with modifications identified by the Board at the October 21, 2010 hearing;

WHEREAS, Resolution 10-34 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachment A with the modifications identified by the Board at the October 21, 2010 hearing, and such other conforming modification as may be appropriate, after making the modified regulatory language and any additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make modifications as appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if he determines that this is warranted;

WHEREAS, on April 21, 2011, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing and to respond to comments, were made available for public comment for a period of at least 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, one written comment was received during the 15-day comment period and that comment has been considered by the Executive Officer; and

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 10-34 are incorporated herein.

IT IS FURTHER ORDERED that amendments to sections 2190, 2191, and 2194, title 13, California Code of Regulations, are adopted as set forth in Attachment 1 hereto.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with nonsubstantive changes, which will be added to the rulemaking record and indicated as such.

Executed this 23 day of August 2011, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachments