

**REQUEST FOR AN EARLY EFFECTIVE DATE
Pursuant To Government Code Section 11343.4(c)**

The Air Resources Board (ARB or Board) requests, pursuant to Government Code section 11343.4(c), that the Office of Administrative Law (OAL) prescribe an “earlier effective date” for the Proposed 2011 Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate that was adopted on October 21, 2011. 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 that include an extension for in-use performance standards based on delays due to private financing, equipment manufacturer delays, or installer delays for compliance technology (Title 13, California Code of Regulations section 2477.5(l)). A maximum four-month extension may be granted if the compliance technology was ordered at least two months before the compliance date for verified diesel emissions control strategies (VDCES) and no later than four months before the compliance date for engine replacements, unit replacements, and trailer replacements. The purchase order must be consistent with these limits. The early effective date is needed because the four-month order deadlines are imminent.

In addition, the amendments include an exemption for TRU-equipped refrigerated trucks and trailers used by mobile catering companies to store food for emergency responders, such as firefighters suppressing wildfires. (Title 13, California Code of Regulations section 2477.5(j)). Good cause exists to support an earlier effective date of this exemption because California is presently experiencing numerous wildfires and the exemption will ensure that mobile catering service companies are not impeded in providing food services to the personnel responding to such wildfires during this fire season. Mobile catering companies have expressed to ARB staff their concerns that they could be cited for violating the existing TRU regulation because much of their equipment is not compliant with the TRU regulation, and ARB created this exemption to address their concerns.

For the reasons set forth above, ARB believes there is good cause for OAL to prescribe an earlier effective date and hereby requests that OAL approve an earlier effective date, coinciding with OAL’s submittal of its approval of this rulemaking action to the Secretary of State pursuant to Government Code section 11343.4(c).

Date: August 21, 2012

/s/
Alex Wang, Senior Staff Counsel