

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER REGULATORY AMENDMENTS EXTENDING THE CALIFORNIA STANDARDS FOR MOTOR VEHICLE DIESEL FUEL TO DIESEL FUEL USED IN HARBORCRAFT AND INTRASTATE LOCOMOTIVES

Public Hearing Date: November 18, 2004
Internet Posting Date: February 16, 2005
Public Availability Date: February 16, 2005
Last Day for Supplemental Public Comment: March 3, 2005

At a public hearing held November 18, 2004, the Air Resources Board (the Board or ARB) approved adoption of a fuels regulation and an airborne toxics control measure (ATCM) that extend the applicability of the California standards for motor vehicle diesel fuel regulations to diesel fuel used in commercial and recreational harborcraft and intrastate diesel-electric locomotives. The new regulations would apply to diesel fuel sold for use in commercial and recreational harborcraft within the boundaries of the South Coast Air Quality Management District (SCAQMD) beginning January 1, 2006. They would apply statewide to diesel fuel sold for use in commercial and recreational harborcraft and intrastate diesel-electric locomotives beginning January 1, 2007. Operators of intrastate diesel-electric locomotives would be permitted to use an Alternative Emission Control Plan if approved by the ARB's Executive Officer. The proposed amendments were described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on October 1, 2004.

The Board's action. At the conclusion of the hearing, the Board adopted Resolution 04-38, in which it approved the originally proposed amendments with one minor modification. The modification was suggested by staff in response to public comments received after issuance of the original proposal. The modification will provide an exemption from the ARB's diesel fuel requirements for military specification fuel used in military vessels. The text of the suggested modification was contained in a 1-page document entitled "ARB Staff's Suggested Modifications to the Original Proposal," which was distributed at the hearing and was Attachment B to the Resolution. The Resolution directed the Executive Officer to incorporate the modification into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

Modified text being made available. Attachment I to this notice contains excerpts of the proposed regulatory text showing the modification approved by the Board, in language identical to the modified language attached to Resolution 04-38. Both the Resolution and the complete text of the proposed regulatory action with the modification to the original proposal clearly indicated are available at the ARB's Internet site for this

rulemaking at <http://www.arb.ca.gov/regact/carblohc/carblohc.htm>. Printed copies are available from Mr. Valentine Montoya, Stationary Source Division, telephone (916) 327-1493 or fax (916) 322-6088.

Comments and subsequent action. In accordance with section 11346.8 of the Government Code, the Board's Resolution directed the Executive Officer to make the modified regulatory text available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments regarding the modified text that may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:


Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: carblohc@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by the end of the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations and additional information made available by this notice will be considered by the Executive Officer.



Peter Venturini, Chief
Stationary Source Division

Attachment

**MODIFICATIONS TO THE PROPOSED REGULATION ORDER –
EXCERPTS MADE AVAILABLE FOR SUPPLEMENTAL COMMENT**

**Proposed Extension of the California Standards For
Motor Vehicle Diesel Fuel to Diesel Fuel Used For
Intrastate Diesel-Electric Locomotives and Harborcraft**

Note: The proposed regulatory action consists of the addition of new section 2299, title 13, California Code of Regulations (CCR), and new section 93116, title 17, CCR, along with amendments to sections 2281, 2282, and 2284, title 13, CCR. The originally proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The modifications to the original proposal are shown in double-underline to indicate additions and ~~double-strikeout~~ to indicate deletions. Only text affected by the modifications is shown; the symbols “* * * * *” are used to indicate that intervening unmodified text is not included in these excerpts.

1. Add Section 2299, title 13, California Code of Regulations, to read as follows:

**California Code of Regulations, Title 13, Division 3
Chapter 5.1. Standards for Fuels for Nonvehicular Sources**

§ 2299. Standards for Nonvehicular Diesel Fuel Used in Diesel-Electric Intrastate Locomotives and Harborcraft.

(a) Requirements.

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(a)(3) Exemption for military specification fuel used in military vessels. The requirements of this section do not apply to military specification fuel that is sold, offered for sale, or supplied for use in marine vessels owned or operated by the armed forces of the United States.

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2. Add new section 93116, title 17, California Code of Regulations, to read as follows:

§ 93116. Airborne Toxic Control Measure to Reduce Particulate Emissions from Diesel-Fueled Engines – Standards for Nonvehicular Diesel Fuel used in Intrastate Diesel-Electric Locomotives and Harborcraft.

(a) Requirements.

15-Day Notice excerpted version, released 2/16/05

Supplemental comment deadline: 3/3/05

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Hearing date: 11/18/04

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(a)(3) Exemption for military specification fuel used in military vessels. The requirements of this section do not apply to military specification fuel that is sold, offered for sale, or supplied for use in marine vessels owned or operated by the armed forces of the United States.

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