

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-05-006

Relating to Regulatory Amendments Extending the California Standards for Motor Vehicle Diesel Fuel to Diesel Fuel Used in Harborcraft and Intrastate Locomotives

WHEREAS, on November 18, 2004, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments extending the California standards for motor vehicle diesel fuel to diesel fuel used in harborcraft and intrastate locomotives;

WHEREAS, following the public hearing on November 18, 2004, the Board adopted Resolution 04-38, in which the Board approved the adoption of or amendments to sections 2281, 2282, 2284, and 2299 of title 13, and section 93116 of title 17, California Code of Regulations (CCR), as set forth in Attachment A thereto (without the placeholders in sections 2299(b)(5)(C) and 93119(b)(5)(C)), with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 04-38 directed the Executive Officer (1) to incorporate into the approved regulations the modifications described in Attachment B thereto and such other conforming modifications as may be appropriate; (2) to make the modified regulations, with the modifications clearly indicated, available for supplemental public comment for a period of at least 15 days; (3) to consider any comments on the modifications received during the supplemental comment period; and then (4) consistent with the Resolution, either to adopt the regulations as made available with any appropriate additional nonsubstantial modifications, to make additional modifications available for public comment for an additional period of at least 15 days, or to present the regulations to the Board for further consideration if she determines that this is warranted;

WHEREAS, the text of the proposed regulatory amendments reflecting the Board-approved modifications was made available for a supplemental 15-day comment period starting February 16, 2005, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, no written comments were received during the supplemental 15-day comment period; and

WHEREAS, the text of the proposed regulatory amendments reflecting an additional modification to conform the text to the Board's intent made available for a second supplemental 15-day comment period starting April 19, 2005, in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, no written comments were received during the second supplemental 15-day comment period;

WHEREAS, the regulation originally proposed as section 93116, title 17, CCR has been renumbered to 93117, title 17, CCR because section 93116 is an existing regulation; and

WHEREAS, Attachment 1 hereto shows the adoption of or amendments to sections 2281, 2282, 2284, and 2299 of title 13, and section 93117 of title 17, California Code of Regulations, CCR, reflecting the modified regulatory text made available for the 15-day comment periods and additional non-substantial changes.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 04-38 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 04-38 and Health and Safety Code sections 39515 and 39516, that the adoption of or amendments to sections 2281, 2282, 2284, and 2299 of title 13, and section 93117 of title 17, CCR, are hereby adopted as set forth in Attachment 1 hereto, the Final Regulation Order.

Executed this 16th day of May, 2005, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment