

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER PROPOSED REGULATION ORDER:
AIRBORNE TOXIC CONTROL MEASURE TO LIMIT DIESEL-FUELED
COMMERCIAL MOTOR VEHICLE IDLING**

Public Hearing Date:	July 22, 2004
Public Availability of Modified Text Date:	August 20, 2004
Deadline for Public Comment:	September 7, 2004

At a public hearing on July 22, 2004, the Air Resources Board ("Board" or "ARB") considered adopting a proposed airborne toxic control measure (ATCM) to reduce public exposure to diesel particulate matter (PM) emitted during nonessential idling of diesel-fueled commercial motor vehicles in California (proposed ATCM; section 2485, title 13, California Code of Regulations (CCR)). The proposed ATCM is described in detail in the Staff Report: Initial Statement of Reasons (ISOR), which was released to the public on June 4, 2004, and can be accessed at <http://www.arb.ca.gov/regact/idling/idling.htm>.

At the hearing, the staff presented, and the Board approved, modifications to the originally proposed language to address minor clarifications and to respond to comments received during the public comment period that began on June 4, 2004. The following is a summary of these modifications.

- A. Amend the ATCM to remove the January 1, 2009, idling restriction for trucks equipped with sleeper berths that limits the operation of the main engine or diesel-fueled auxiliary power system to provide power to a heater, air conditioner or ancillary equipment.
- B. Establish an ATCM effective date of January 1, 2005.
- C. Clarify that the ATCM applies to buses, including transit, charter, and coach.
- D. Clarify that the ATCM applies to both California and non-California based vehicles.
- E. Clarify that the ATCM idling restrictions do not apply while positioning equipment to insure safe operations.
- F. Amend the ATCM to allow unrestricted idling of military tactical vehicles during periods of training.
- G. Clarify that the ATCM idling restrictions do not apply when idling is necessary to operate equipment such as a wheelchair or people lift as prescribed by the Americans with Disabilities Act.
- H. Clarify that the ATCM idling restrictions do not apply when operating the mixer drum of a ready mix concrete truck.

- I. Clarify that the ATCM idling restrictions do not apply during collection of solid waste or recyclable materials by an entity authorized by contract, license, or permit by a school or local government.

Enclosed with this notice are Enclosure 1, Board Resolution 04-23, which approves the regulatory action, and Enclosure 2, the text of the modified regulatory language. In Enclosure 2, deletions and additions to the originally proposed language are shown in ~~strike-out~~ and underline format, respectively.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 2485, title 13, California Code of Regulations, after making the modified language available to the public for comment for a period of at least 15 days, provided the Executive Officer considers such written comments as may be submitted during this period, makes such modifications as may be appropriate in light of the comments received, and presents the modified regulation to the Board for further consideration, if warranted.

Written and e-mail comments on the modifications shown in Enclosure 2 must be received no later than September 7, 2004, in order to be considered by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice shall be considered by the Executive Officer. Written comments 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: <mailto:idling@listserv.arb.ca.gov>

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

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please go to <http://inside.arb.ca.gov/as/eo/languageaccess.htm> or contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Enclosures