

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PROPOSED
AIRBORNE TOXIC CONTROL MEASURE FOR PORTABLE DIESEL-FUELED
ENGINES**

Public Hearing Date: February 26, 2004
Public Availability Date: May 13, 2004
Deadline for Public Comment: June 1, 2004

At a public hearing on February 26, 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 from portable diesel-fueled engines (proposed ATCM; sections 93116-93116.5, title 17, 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 January 9, 2004, and can be accessed at <http://www.arb.ca.gov/regact/porteng/porteng.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 since the ISOR was published. The following is a summary of these modifications:

- A. Clarify that the ATCM applies to portable diesel-fueled engines that are 50 horsepower and larger to be consistent with other regulations affecting portable engines;
- B. Revise the “alternative fuel” definition to include liquid petroleum gas (LPG) and hydrogen;
- C. Revise the definitions for “alternative diesel fuel” and “CARB diesel fuel,” and add a definition for “diesel fuel” to clarify the differences between these fuels;
- D. Add definitions for “engines exclusively used in emergency applications,” and “emergency event” to be consistent with other regulations that affect stationary and portable engines;
- E. Revise the definition of “emergency” to be consistent with other regulations that affect stationary and portable engines, and to include the breakdown of

electric-powered pumping equipment and the pumping of water to maintain water pressure;

- F. Revise the definitions for “fuel additive,” “selective catalytic reduction system,” and “verified emission control strategy” to be consistent with other regulations that affect stationary and portable engines;
- G. Delete the definition for “school” because the word is not used in the regulation;
- H. Clarify that engines manufactured and sold under the flexibility provisions contained in federal and State regulations are considered certified engines and would satisfy the “most stringent” requirement;
- I. Add provisions to allow the Executive Officer or Air Pollution Control Officer to exempt portable diesel-fueled engines used in lattice boom cranes from the 2010 requirement but require these engines be replaced with a Tier 4 engine or achieve equivalent diesel PM reductions by 2020.
- J. Revise incentive for alternative-fueled engines to provide for additional credit toward satisfying the fleet standards if the alternative-fueled engine is added to the fleet and operated prior to January 1, 2009, and the engine is certified to a nonroad engine standard;
- K. Add clarification language to test methods requirements;
- L. Revise recordkeeping and reporting requirements to include specific requirements for alternative-fueled engines added to the fleet prior to January 1, 2009; and
- M. Revise the sections’ numbering sequence to conform to regulation order format and add minor clarification language to other sections of the regulation.

Attached to this notice is Board Resolution 04-7 (Attachment 1), which approves the regulatory action. The text of the modified regulatory language is appended to this notice as Attachment 2. Deletions to the originally proposed language are shown in strike out and additions to the originally proposed language are underlined.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 93116-93116.5, title 17, CCR, after making the modified language available to the public for comment for a period of at least 15 days, provided the Executive Officer consider such written comments as may be submitted during this period, make such modifications as may be appropriate in

light of the comments received, and present the regulations to the Board for further consideration, if warranted.

Written and e-mail comments on the proposed modifications shown in Attachment 2 must be received no later than June 1, 2004, in order to be considered by the Executive Officer prior to final action. Only comments relating to the modifications described earlier shall be considered by the Executive Officer. Written comments must be addressed to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, CA 95812. E-mail comments must be addressed to porteng@listserv.arb.ca.gov.

Attachments