

CALIFORNIA AIR RESOURCES BOARD

NOTICE OF DECISION NOT TO PROCEED AND CANCELLATION OF MARCH 20, 2014 HEARING TO CONSIDER A PROPOSED REGULATION ON THE COMMERCIALIZATION OF NEW ALTERNATIVE DIESEL FUELS

By notice published October 25, 2013, in the California Regulatory Notice Register, Register 2013, No. 43-Z, the Air Resources Board (ARB/Board) announced it would conduct a public hearing on December 12, 2013, then postponed to March 20, 2014, to consider proposed adoption of California Code of Regulations, title 13, new sections 2293, 2293.1, 2293.2, 2293.3, 2293.4, 2293.5, 2293.6, 2293.7, 2293.8, 2293.9, and Appendix A. Existing sections 2290, 2291, 2292.1, 2292.2, 2292.3, 2292.4, 2292.5, 2292.6, and 2292.7 were proposed to be grouped under new subarticle 1 (Specifications for Current Alternative Motor Vehicle Fuels). Existing sections 2293 and 2293.5 would be proposed to be renumbered to 2294 and 2295, and would be grouped under a new subarticle 3 (Ancillary Provisions).

Since the postponement of the December 12, 2013, Board hearing, staff has developed proposed alternatives to the noticed regulation, and held a public workshop on February 13, 2014, to consider a revised regulatory proposal. Given the significant number of stakeholder comments received regarding the revised proposal at the workshop, ARB has decided not to proceed with the noticed rulemaking as proposed. By taking this action, staff will be provided additional time to further develop a regulatory proposal that addresses all major outstanding issues and to allow additional vetting through a public process with stakeholders.

PLEASE BE ADVISED the proposed regulation on the Commercialization of New Alternative Diesel fuels will no longer be on the calendar for the March 20, 2014, hearing. The proposed rulemaking action has been withdrawn. Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on October 25, 2013, in the California Regulatory Notice Register.

A new rulemaking action for the commercialization of alternative diesel fuels will be re-noticed for public hearing in the summer of 2014, providing stakeholders 45 days to provide comments. For the convenience of interested parties, all comments that were received under the notice published in the October 25, 2013, California Regulatory Notice Register, Register 2013, No. 43-Z, will be included in the administrative record of the future rulemaking action. Consistent with Government Code section 11349(a)(3), to the extent these comments pertain to the future noticed proposed regulation, they will be summarized and responded to in the final statement of reasons issued by the Board.