

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-05-006

Amendments to the California Off-Road Emissions Regulation for
Compression-Ignition Engines and Equipment

WHEREAS, on December 9, 2004, the Air Resources Board (the Board or ARB) conducted a public hearing to consider amendments to the California Off-Road Emissions Regulation for Compression-Ignition Engines and Equipment, as set forth in the Initial Statement of Reasons released to the public on October 22, 2004;

WHEREAS, following the public hearing on December 9, 2004, the Board adopted Resolution 04-43, in which the Board approved amendments to sections 2420, 2421, 2423, 2424, 2425, 2426, and 2427, title 13, California Code of Regulations (CCR), and to the following documents incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for New 2000 and Later Tier 1, Tier 2, and Tier 3 Off-Road Compression-Ignition Engines, Part I-B," as last amended January 28, 2000; and "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Tier 1, Tier 2, and Tier 3 Off-Road Compression-Ignition Engines, Part II," as last amended January 28, 2000; and adoption of the following document incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines" and section 2425.1, title 13, California Code of Regulations (CCR), as set forth in Attachment A and modified by Attachment B;

WHEREAS, Resolution 04-43 directed the Executive Officer to take final action to adopt the regulations set forth in Attachment A and Attachment B to Resolution 04-43, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulations to the Board for further consideration if she determines that this is warranted;

WHEREAS, on July 14, 2005, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of at least 45 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, the written comments received during this 45-day supplemental comment period were considered by the Executive Officer, and the Executive Officer made modifications to the regulations and circulated the modified text for public comment from September 29, 2005 through October 14, 2005, with the changes to the originally proposed text clearly indicated;

WHEREAS, one written comment was received during the second 15-day comment period;

WHEREAS, the written comment received during the second 15-day comment period has been considered by the Executive Officer and does not require modification nor reconsideration by the Board of the approved regulations; and

WHEREAS, the reporting requirements of the regulations which apply to businesses are necessary for the health, safety, and welfare of the people of the state.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 04-43 are incorporated by reference herein.

IT IS FURTHER ORDERED that amendments to sections 2420, 2421, 2423, 2424, 2425, 2426, and 2427, title 13, California Code of Regulations (CCR), and to the following documents incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for New 2000 and Later Off-Road Compression-Ignition Engines, Part I-B," as last amended January 28, 2000; and "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Off-Road Compression-Ignition Engines, Part II," as last amended January 28, 2000; and adoption of the following document incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines" and section 93102.5, title 13, California Code of Regulations (CCR) new section 93102.5, title 17, CCR, is adopted as set forth in Attachment 1 hereto.

Executed this _____ day of October, 2005, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment