

State of California
AIR RESOURCES BOARD

Third Notice of Public Availability of Additional Documents

**PUBLIC HEARING TO CONSIDER ADOPTING THE AIRBORNE TOXIC CONTROL
MEASURE FOR STATIONARY COMPRESSION IGNITION ENGINES**

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| Public Hearing Dates: | November 20, 2003 December 11, 2003 February 26, 2004 |
| Internet Posting Date of Third Notice: | July 21, 2004 |
| Public Availability of Third Notice: | July 21, 2004 |
| Deadline for Public Comment on Third Notice: | August 6, 2004 |

This notice announces a third supplemental period in which the public may comment on additional documents that are being added to the rulemaking record in support of the proposed adoption of the "Airborne Toxic Control Measure for Stationary Compression Ignition Engines." No additional changes to the proposed regulatory text are being proposed in this notice. No action by any member of the public is necessary unless the person wishes to comment on the additional documents.

At its public hearing on February 26, 2004, the Air Resources Board (the "Board" or ARB) approved the adoption of section 93115, title 17, California Code of Regulations (CCR). The approved section 93115 is an airborne toxic control measure (ATCM) for stationary compression ignition engines. This rulemaking was originally heard on November 20, 2003, continued to December 11, 2003, and continued again to February 26, 2004, to provide for the required review directed by Executive Order S-2-03.

The originally proposed regulatory action is described in detail in the "Staff Report: Initial Statement of Reasons for Proposed Rulemaking" (Staff Report) released to the public on September 26, 2003, and available on the ARB's Internet site at www.arb.ca.gov/regact/statde/statde.htm.

The ATCM will reduce the public's exposure to diesel particulate matter (diesel PM), other toxic air contaminants (TACs), and other air pollutants by establishing best available control technology (BACT), which includes emission standards and operational requirements, for stationary compression ignition engines that operate in California, particularly diesel-fueled engines. The ATCM supports the "Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles," which was adopted by the Board on September 30, 2000.

The Board's Action

At the public hearing on February 26, 2004, the Board adopted Resolution 03-30 (Resolution), approving the adoption of the ATCM with modifications. In approving the proposed ATCM, the Board specifically included staff's suggested modifications to the initially noticed text, which were made available at the hearing. The suggested modifications were appended to the Resolution. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the proposed regulatory text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days. Staff made the modifications available for public review and comment through a notice of modified text released on May 14, 2004, with a 15-day supplemental comment deadline of June 1, 2004 ("first notice of modified text"). The first notice of modified text and the Resolution are available on the ARB's Internet site at www.arb.ca.gov/regact/statde/statde.htm.

Several written comments were received during the initial 15-day comment period specifically addressing the proposed modifications. In response to these comments, staff proposed additional substantive modifications to the regulatory text ("second set of proposed modifications"). Staff made the second set of proposed modifications available for public review and comment through a second notice of modified text released on July 1, 2004, with a 15-day supplemental comment deadline of July 16, 2004 ("second notice of modified text"). The second notice of modified text and the second set of proposed modifications are available on the ARB's Internet site at <http://www.arb.ca.gov/regact/statde/statde.htm>.

No additional substantive changes to the proposed regulatory text are being proposed in this third notice. However, as discussed below, staff are adding to the rulemaking record two documents for which the references were erroneously omitted from the Staff Report.

Supporting Documents and Information. In accordance with Government Code section 11347.1, staff has added the following documents that support the proposed action (see Attachments):

Chapter IX "Economic Impacts" (Revised)
Appendix I "Cost Analysis – Basis for Calculations" (Revised)

The revised Chapter IX, Appendix I, and their respective references are being added to the rulemaking record because the citations and references were inadvertently omitted from these parts of the Staff Report. In these revised documents, staff did not make any substantive changes but rather placed the missing citations and references in the appropriate places as indicated. Staff did add one paragraph on pages I-2 through I-3 of revised Appendix I that clarifies how the cost for a diesel oxidation catalyst was derived. These revised documents are intended to wholly replace their counterparts in the Staff Report. By this notice, the additional documents are being made available for

public comment prior to the final action by the Board's Executive Officer. All of the documents referenced above are available for public inspection from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, California, 95814. They are also available online at <http://www.arb.ca.gov/regact/statde/statde.htm>.

Comments and Subsequent Action

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section 93115, title 17, CCR after making the modified regulatory language and any additional supporting documents available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of comments received, and shall present the regulations to the Board for further consideration if she determines that this is warranted.

Written comments on the above-described additional documents must 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 must be sent to: statde@listserv.arb.ca.gov

Facsimile submissions must be transmitted to the Clerk of the Board at (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described additional documents shall be considered by the Executive Officer.

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.

Attachments (2)