

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-04-063

ADOPTION OF A PROPOSED AIRBORNE TOXIC CONTROL MEASURE FOR
STATIONARY COMPRESSION IGNITION ENGINES

WHEREAS, on November 20, 2003, December 11, 2003 and February 26, 2004, the Air Resources Board (ARB or Board) conducted public hearings to consider adoption of an airborne toxic control measure (ATCM) to reduce public exposure to diesel particulate matter (PM) and to control criteria pollutants emitted from stationary diesel-fueled, compression-ignition engines (stationary diesel engines), as set forth in the Initial Statement of Reasons released to the public on September 26, 2004;

WHEREAS, following the public hearing on February 26, 2004, the Board adopted Resolution 03-30, in which the Board approved adoption of new section 93115, title 17, California Code of Regulations (CCR) and the documents incorporated therein by reference: (1) American Society for Testing and Materials (ASTM) Standards D 613-03b, D 975-03, D 1655-02 ; (2) *Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines*, dated October 2000; (3) Air Force Space Command Instruction 21-0114, dated March 27, 2000; (4) Office of the Chief of Naval Operations (OPNAV) Instruction 1500.51B, dated March 31, 1989; (5) Military Specifications MIL-DTL-5624T, dated September 18, 1998, and MIL-T-83133E, dated April 1, 1999; (6) *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines*, 13 CCR 2700-2710; (7) *Exhaust Emission Standards and Test Procedures -- Off-Road Compression-Ignition Engines*, 13 CCR 2423; (8) National Fire Protection Association (NFPA) 25 - *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 1998; (9) 2001 California Building Code, 24 CCR Part 2, Vol. 2, Chapter 35 (Uniform Building Code Standards); (10) California Air Resources Board (ARB) Method 5, *Determination of Particulate Matter Emissions from Stationary Sources*, as amended July 28, 1997; (11) California Air Resources Board (ARB) Method 100, *Procedures for Continuous Gaseous Emission Stack Sampling*, as amended July 28, 1997; and (12) International Organization for Standardization (ISO) Methods 8178-1:1996(E), 8178-2:1996(E), and 8178-4:1996(E) as set forth in Attachment A and B to Resolution 03-30;

WHEREAS, in Resolution 03-30, the Board directed the Executive Officer to adopt the regulations, after making the modified regulatory language and additional supporting documents and information available for public comment for a period of 15 days, provided that the Executive Officer shall consider such

written comments regarding the modified text as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if she determines that this is warranted;

WHEREAS, on May 14, 2004, 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 15 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, a number of written comment letters were received during the 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on July 1, 2004, additional modifications prepared in response to the comments received during the first 15-day comment period were made available for public comment for a period of at least 15 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, a number of written comment letters were received during the Second 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on July 21, 2004, additional documents were made available for public comment for a period of at least 15 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, two written comment letters were received during the Third 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-30 are incorporated by reference herein.

IT IS FURTHER ORDERED in accordance with Resolution 03-30, the adoption of new section 93115, title 17, California Code of Regulations (CCR) and the documents incorporated therein by reference: (1) American Society for Testing and Materials (ASTM) Standards D 613-03b; (2) ASTM D 975-81; (3) ASTM D 1655-02; (4) *Risk Management Guidance for the Permitting of New Stationary Diesel-Fueled Engines*, dated October 2000; (5) Military Specifications MIL-DTL-5624T, dated September 18, 1998, and MIL-T-83133E, dated April 1, 1999; (6) *Verification Procedure, Warranty and In-Use Compliance Requirements for In-*

Use Strategies to Control Emissions from Diesel Engines, 13 CCR 2700-2710; (7) *Exhaust Emission Standards and Test Procedures -- Off-Road Compression-Ignition Engines*, 13 CCR 2423; (8) National Fire Protection Association (*NFPA*) 25 - *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*, 1998; (9) 2001 California Building Code, 24 CCR Part 2, Vol. 2, Chapter 35 (Uniform Building Code Standards); (10) California Air Resources Board (ARB) Method 5, *Determination of Particulate Matter Emissions from Stationary Sources*, as amended July 28, 1997; (11) California Air Resources Board (ARB) Method 100, *Procedures for Continuous Gaseous Emission Stack Sampling*, as amended July 28, 1997; (12) International Organization for Standardization (ISO) Methods 8178-1:1996(E), 8178-2:1996(E), and 8178-4:1996(E); (13) the *Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*, Office of Health Hazard Assessment (OEHHA), August 2003; and (14) the *CAPCOA Air Toxics "Hot Spots" Program Facility Prioritization Guidelines*, California Air Pollution Control Officers Association (CAPCOA), July 1990, are adopted as set forth in Attachment 1 hereto.

Executed this _____ day of _____, 2004, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment