

**CERTIFICATION OF COMPLIANCE IN ACCORDANCE WITH
GOVERNMENT CODE SECTION 11346.1(e)**

**AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE
FOR STATIONARY COMPRESSION IGNITION ENGINES,
TITLE 17, CALIFORNIA CODE OF REGULATIONS, SECTION 93115**

I hereby certify to the following:

1. On March 25, 2005, the California Air Resources Board (ARB or Board) filed with the Office of Administrative Law (OAL) emergency amendments to title 17, California Code of Regulations (CCR), section 93115. The emergency amendments primarily affected section 93115(e)(2)(E)1., which governs the emission standards for new stationary diesel-fueled compression ignition engines that are greater than 50 brake horsepower hour and are used in agricultural operations. The emergency regulations reduced the stringency of these standards for the subcategory of agricultural pump engines; they also changed references to these provisions in (e)(4)(D), (h)(1) and (h)(2). In adopting these amendments on an emergency basis, ARB did not comply with the full procedural requirements for rulemaking in Government Code sections 11346.2 through 11347.3. The emergency amendments became operative April 4, 2005.

2. On July 28, 2005, ARB completed this new rulemaking amending title 17, CCR, section 93115 after fully complying with Government Code sections 11346.2 through 11347.3. It amends title 13, CCR, subsection 93115(e)(2)(E)1. to expand upon the emergency amendments to that subsection. It also makes changes in a variety of other areas of section 93115 not addressed by the emergency amendments. All of the agricultural pump engines made subject to a less stringent standard by the emergency amendments will be subject to the same less stringent standard under the amendments adopted July 28, 2005. Under the July 28, 2005 amendments, some other categories of agricultural engines will also become subject to the less stringent standards.

3. Under Government Code section 11346.1(e), the transmittal of this Certificate of Compliance to OAL by August 2, 2005 means that the emergency amendments to section 93115 will not be repealed by operation of law on August 3, 2005. If OAL approves the July 28, 2005 amendments, the emergency amendments will remain effective until the July 28, 2005 amendments become operative.

I declare under penalty of perjury that I am the agency official who compiled the rulemaking file for the July 28, 2005 amendments and that the foregoing is true and correct.

Executed this 29 day of July, 2005, at Sacramento, California.

Alexa Malik, Regulations Coordinator
Board Administration &
Regulatory Coordination Unit