

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-07-013

Public Hearing to Consider Amendments to the Statewide Portable Equipment Registration Program (Statewide PERP) Regulation and the Airborne Toxic Control Measure for diesel-fueled portable engines (Portable Engine ATCM)

WHEREAS, on March 22, 2007, the Air Resources Board (the Board or ARB) conducted a public consider adoption of amendments to the Statewide Portable Equipment Registration Program (Statewide PERP) Regulation and the Airborne Toxic Control Measure for diesel-fueled portable engines (Portable Engine ATCM), as set forth in the Initial Statement of Reasons released to the public on February 2, 2007;

WHEREAS, following the public hearing on March 22, 2007, the Board adopted Resolution 07-9 in which the Board approved amendments to sections 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461 and 2462, title 13, California Code of Regulations (CCR), as set forth in Attachment A thereto, and amendments to sections 93116, 93116.1, 93116.2 and 93116.3 and adoption of section 93116.3.1, title 17, CCR, as set forth in Appendix B, thereto, with the Staff's Suggested Modifications set forth in Attachment C thereto;

WHEREAS, Resolutions 07-9 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A, B and C to Resolution 07-9, 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 regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on June 29, 2007, 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 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; and

WHEREAS, written comments were received during the 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 07-9 are incorporated by reference herein.

IT IS FURTHER ORDERED that amendments to sections 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461 and 2462, title 13, CCR, and amendments to sections 93116, 93116.1, 93116.2 and 93116.3 and adoption of section 93116.3.1, title 17, CCR, are adopted as set forth in Attachment 1 hereto.

Executed this 31st day of July, 2007, at Sacramento, California.

Tom Cackette
Acting Executive Officer

Attachment