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Air Resources Board

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Arnold Schwarzenegger
Governor

MEMORANDUM

TO: George Shaw, Staff Counsel
Office of Administrative Law

FROM: Stephen Adams, Staff Counsel
Air Resources Board

DATE: December 8, 2009

SUBJECT: Regulation for the Reduction of Greenhouse Gas Emissions from Heavy-Duty Vehicles

Pursuant to our discussions relating to the above-referenced regulatory action, the Air Resources Board authorizes you to substitute the attached regulatory text for specified pages of the text that was submitted to OAL on October 23, 2009, and file it with the Secretary of State. In particular, pages 3-4, pages 27-28, and pages 29-30 should be substituted for the pages with the same numbers in the October 23 text.

The changes to the regulatory text are non-substantive and we have discussed the changes in how the regulations are to be printed. In summary, these changes include:

1. Deletion of the date from the definition of "delayed compliance trailer" at subsection 95302(a)(12). The change improves clarity of the regulation by eliminating a one-day inconsistency between the delayed compliance date in the definition and the date set forth in subsection 95307(b)(4), which is cross-referenced by the definition.
2. Changes to two notations in formulas on pages 28-29 of the regulation to eliminate potential confusion caused by the use of N_B to indicate both large fleet and small fleet compliance plan base numbers. In addition, the description in subsection 95307(e)(5) of the value N_B to be used in Equation 6 was modified to reflect the revised notations in the preceding definitions.
3. Several other changes as detailed in the Addendum to the Final Statement of Reasons, which is also enclosed.

In addition to the substitution of regulatory text, please add the Addendum to the Final Statement of Reasons to Tab 5 of the rulemaking file and substitute the enclosed revised table of contents for the one presently in the package. The only change in the table of contents is the addition of the Addendum under Tab 5.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Finally, I am enclosing a new certification of closure of the rulemaking file for addition to the record.

Thank you for your assistance in this matter. If you have any questions please feel free to contact me at (916) 324-0668.

Enclosures

cc: Trinidad Balcazar, Regulations Coordinator