

ATTACHMENT 2

STAFF'S SUGGESTED CHANGES TO ORIGINAL REGULATORY PROPOSAL AS PRESENTED TO THE BOARD AT THE DECEMBER 2008 BOARD HEARING

Shown on the following pages are proposed changes to modifications to the existing regulations set forth in Appendix B to the Staff Report: Initial Statement of Reasons, which was released October 24, 2008. Additions to the previously existing regulations are shown in underline and deletions are shown in ~~strikeout~~ while additions to the language proposed subsequent to the release are shown in double underline and deletions are shown in double ~~strikeout~~.

PROPOSED REGULATION ORDER

DIESEL PARTICULATE MATTER CONTROL MEASURE FOR ON-ROAD HEAVY-DUTY DIESEL-FUELED VEHICLES OWNED OR OPERATED BY PUBLIC AGENCIES AND UTILITIES

Note: Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. Proposed amendments subsequent to the release are shown in double underline and deletions are shown in double ~~strikeout~~.

Amend the original regulatory proposal, as approved by the Board at the December 11, 2008.

Section 2022.1, title 13, California code of Regulations to read as follows.

2022.1 (d)(8)

Privately-Owned Utility Extension. A utility may be granted an extension for Group 2 and Group 3 intermediate and final compliance deadlines as required in section 2022.1(c)(1) by two years, provided that thirty (30) percent of its fleet vehicles meet the 2010 engine emission standards model year NOx emissions equivalent as defined in section 2025(d), and twenty (20) percent of its fleet vehicles meet the 2007 or newer engine emission standards model year NOx emissions equivalent as defined in section 2025(d) by December 31, 2013. A privately-owned utility must:

- (A) submit a letter to the Executive Officer by December 31, 2009 stating the utility's intent to comply with this section,
- (B) submit records by December 31, 2009 required by section 2022.1 (f)(1),
- (C) label each vehicle in its fleet according section 2022.1(f)(3)(G),
- (D) submit by December 31, 2011 records required by section 2022.1(f)(1), and
- (E) submit by December 31, 2013 records required by section 2022.1(f)(1) and documentation, such as but not limited to percent of fleet calculations and purchase records, demonstrating the utility's compliance with the above conditions.

PROPOSED REGULATION ORDER

**AIRBORNE TOXIC CONTROL MEASURE FOR DIESEL PARTICULATE MATTER
FROM PORTABLE ENGINES RATED AT 50 HORSEPOWER AND GREATER**

Note: Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. Proposed amendments subsequent to the release are shown in double underline and deletions are shown in double ~~strikeout~~.

Amend the original regulatory proposal, as approved by the Board at the December 11, 2008.

Amend section 93116, title ~~137~~137, California Code of Regulations to read as follows.

PROPOSED REGULATION ORDER

**REGULATION TO CONTROL EMISSIONS FROM IN-USE ON-ROAD
DIESEL-FUELED HEAVY-DUTY DRAYAGE TRUCKS**

Note: Proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. Proposed amendments subsequent to the release are shown in double underline and deletions are shown in double ~~strikeout~~.

Amend section 2027, title 13, California Code of Regulations to read as follows.

Section 2027(c)(15)

“Drayage Truck” means any in-use on-road vehicle with a gross vehicle weight rating (GVWR) of greater than 33,000 pounds ~~or greater~~ operating on or transgressing through port or intermodal rail yard property for the purpose of loading, unloading or transporting cargo, such as containerized, bulk or break-bulk goods.
