

Attachment D

**Modifications to the Original Regulatory Proposal, as
Proposed to the Board at the December 11, 2008 Hearing**

**PROPOSED REGULATION FOR IN-USE ON-ROAD DIESEL
VEHICLES SCHEDULED FOR CONSIDERATION BY THE
BOARD IN DECEMBER 2008 WITH PROPOSED MODIFIED
TEXT**

Shown on the following pages are proposed modifications to the original proposed regulation set forth in Appendix B to the Staff Report: Initial Statement of Reasons, which was released October 24, 2008. Text proposed for adoption during the 45-day notice period is shown without underline as permitted in title 1, California Code of Regulations, section 8. Text proposed for amendment is shown in underline for additions and strikeout for deletions.

Appendix B

Proposed Amendments to Existing Diesel Regulations

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.

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.

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

Amend section 93116, title ~~13~~7, California Code of Regulations to read as follows.