

State of California
AIR RESOURCES BOARD

Executive Order R-10-010

Relating to the Adoption of AB 118 Enhanced Fleet Modernization Program Regulation

WHEREAS, on June 26, 2009, the Air Resources Board (ARB or Board) conducted a public hearing to consider the adoption of AB 118 Enhanced Fleet Modernization Program Regulation, as set forth in the Initial Statement of Reasons released to the public on May 8, 2009;

WHEREAS, following the public hearing, the Board adopted Resolution 09-44, in which the Board approved new sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630, title 13, California Code of Regulations, as set forth in Attachment A thereto;

WHEREAS, Resolution 09-44 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachment A to the Resolution 09-44, with such other conforming modifications as may be appropriate, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such further modifications as may be appropriate in light of the comments received, and shall present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on December 9, 2009, the modified regulations, reflecting the amendments approved by the Board and other changes made to 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;

WHEREAS, ten written comments were received during the 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on March 18, 2010, additional modifications were prepared in response to the comments received during the first 15-day comment period, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of Title 1, California Code of Regulations, section 44; and

WHEREAS, one written comment was received during the second 15-day comment period, and that comment was considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 09-44 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 09-44, that sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630, title 13, California Code of Regulations, are adopted as set forth in Attachment I hereto.

Executed this 04 day of May 2010, at Sacramento, California.

/s/

James N. Goldstene
Executive Officer

Attachment