

**REQUEST FOR AN EARLY EFFECTIVE DATE
Pursuant To Government Code Section 11343.4(c)**

The Air Resources Board (ARB or Board) formally requests, under Government Code section 11343.4(c), that the Office of Administrative Law (OAL) prescribe an early effective date for the adopted amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets” (Off-Road regulation), title 13, California Code of Regulations (Cal. Code Regs.), sections 2449 through 2449.3 and the Regulation for Off-Road Large Spark-Ignition Engine Fleet Requirements (LSI Fleet regulation), title 13, Cal. Code Regs, sections 2775 through 2775.2 that were considered by the Board on December 17, 2010 and subsequently adopted. Specifically, ARB requests that the regulations be effective on the date of OAL approval. ARB believes that “good cause” exists for OAL to grant ARB’s request – i.e., that the amendments become effective with OAL’s approval and filing of the regulations with the Secretary of State.

DEMONSTRATION OF GOOD CAUSE

In this rulemaking, the Board considered and subsequently adopted amendments to the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Regulation for Off-Road Large Spark-Ignition Engine Fleet that would provide heavy-duty diesel fleets that operate in California and have been adversely affected by the economic recession with additional compliance flexibility while ensuring that California meets its obligations to attain federal ambient air quality standards under the federal Clean Air Act. The amendments simplify the regulation’s requirements and provide fleets with more compliance options in determining how and when to bring their vehicles into compliance.

Initial reporting and compliance for large fleets have been delayed from 2009 and 2010 respectively, with certain initial reporting and compliance now scheduled to begin on January 1, 2012. An early effective date would align the effective date of the regulation with these reporting and compliance time frames. This would avoid ambiguity and resulting confusion for stakeholders who must meet the reporting and compliance deadlines, and would allow ARB to effectively and expeditiously administer and enforce the amended regulation.

For these reasons, ARB believes good cause exists for OAL to grant ARB’s request for an early effective date that coincides with its approval of the amendments and filing of the amendments to the Secretary of State pursuant to Government Code section 11343.4(c).

Date: December 12, 2011

/s/

Michael L. Terris
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