

**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 to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen, and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles (Truck and Bus regulation), title 13, Cal. Code Regs., section 2025, that were considered by the Board on December 17, 2010 and subsequently adopted. 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 Truck and Bus regulation 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 compliance for many fleets has been delayed from January 1, 2011 to January 1, 2012, and an early effective date would provide affected fleets with additional notice and certainty that they must take immediate action to bring their vehicles into compliance by the end of this year. An early effective date would also administratively assist ARB in expeditiously achieving the purpose and intent of the initially adopted Truck and Bus 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: October 28, 2011

/s/

Michael L. Terris
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