

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

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 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 or Regulation) Title 13, California Code of Regulations (Cal. Code Regs.), section 2025 that were considered by the Board on April 24 and 25, 2014 and subsequently adopted. Specifically, ARB requests that the amendments 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 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 that would provide: a longer phase-in period for PM requirements in certain rural areas while continuing to ensure compliance with diesel risk reduction program goals; additional time and a lower-cost pathway for small fleets to achieve compliance with PM requirements, while re-opening opportunities for these fleets to apply for and receive public incentive funding; a compliance pathway for owners currently unable to qualify for a loan to finance compliance; a longer compliance timeline for low-use and certain vocational or work trucks that travel fewer annual miles and are not competitive in obtaining incentive funding; and, recognition of fleets that took early action to comply by providing additional useable life for retrofit trucks.

The Truck and Bus Regulation applies to hundreds of thousands of fleets that operate trucks in California. These amendments will provide fleets, a number of which are still feeling the effects of the economic recession, with additional pathways to comply with the Regulation while ensuring that California meets its obligations to attain air quality standards established by the federal Clean Air Act.

Most of the amendments to the Regulation have a January 1, 2015 effective date, so failing to have them take effect by then would pose a number of problems. Chief among these would be confusion in the regulated community as to which of the Regulation's requirements are actually in effect as of January 1, 2015. Also, a later effective date would unduly shorten or effectively eliminate the already brief period fleets have under the amendments (until January 31, 2015) to claim the new flexibility options. Also, the amendments will delay certain of the Regulation's requirements to allow fleets to apply for funding to finance their future compliance with them. Delaying the amendments' effective date past January 1 will undermine these fleets' ability to apply for this funding due to statutory requirements that prevent funding being granted for compliance activities that are currently required by the 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(b).

Date: November 20, 2014

A handwritten signature in black ink, appearing to read 'Kirk C. Oliver', written over a horizontal line.

Kirk C. Oliver
Senior Staff Counsel