

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

The California Air Resources Board (CARB or Board) formally requests, under Government Code section 11343.4(b), that the Office of Administrative Law (OAL) prescribe an early effective date for the amendments to the Airborne Toxic Control Measure (Portable Engine ATCM or ATCM) title 17, California Code of Regulations (Cal. Code Regs.), sections 93116, 93116.1, 93116.2, 93116.3, 93116.4, and 93116.5, and to the Statewide Portable Equipment Registration Program (PERP) Regulation, title 13, chapter 9, article 5, sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, and 2465, that were approved for adoption by the Board at its hearing on November 17, 2016. Specifically, CARB requests that the amendments be effective on November 30, 2018. The following demonstrates “good cause” for OAL to allow the amendments to be effective on the date requested.

**DEMONSTRATION OF GOOD CAUSE**

In this rulemaking, the Board considered and adopted amendments to the Portable Engine ATCM and to the PERP Regulation in order to reduce harmful emissions from portable engines. Among other things, the approved amendments include a fleet-average option for large fleets (as defined in the regulation) and an incentive for early removal of older, more-polluting engines. An early effective date will provide engine owners the benefit of certain aspects of the regulations, and expedite the emission reductions.

In order for a fleet to be able to choose the fleet-average option, Section 93116.3(c)(2)(A) of the amended Portable Engine ATCM states that the large fleet must have all portable engines registered in PERP by January 1, 2019. Therefore, these amendments need to be effective before that date to allow fleets the time necessary to register all their portable engines (including any air district-permitted engines) in PERP.

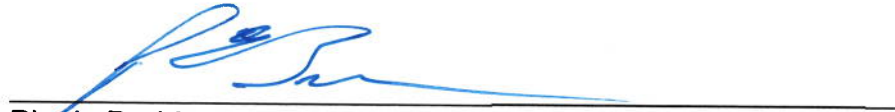
In addition, Section 93116.3(c)(9) of the amended Portable Engine ATCM provides an incentive for fleets to remove older, more-polluting (high-emitting) engines before the phase out-dates specified in section 963116.3(c)(1). The provision states that if a Tier 1<sup>1</sup> engine is removed from a fleet after the effective date of these regulations, but before January 1, 2019 (one year early), the fleet may operate a cleaner Tier 3 engine for an additional year beyond the phase-out date. Clearly, to receive this benefit, the regulation must be effective before January 1, 2019. Accordingly, the requested effective date of November 30, 2018, provides sufficient time for fleets to take advantage of this emission reduction incentive and will expedite the public health benefits of the regulations.

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<sup>1</sup> As described in the regulations and associated rule-making documents, federal regulations establish Tiers for portable engines. The lower the tier, the older and more polluting it is.

For these reasons, CARB believes good cause exists for OAL to grant CARB's request for an early effective date of November 30, 2018.

Date: 6-11-2018



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