

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-09-001

Relating to the Public Hearing to Adopt AB 118 Air Quality Guidelines for the Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle and Technology Program

WHEREAS, on September 25, 2008, the Air Resources Board (ARB or the Board) conducted a public hearing to consider adoption of regulations to consider adoption of a regulation that delineates air quality guidelines to ensure that the newly-established Air Quality Improvement Program and the Alternative and Renewable Fuel and Vehicle Technology Program complement California's existing air quality programs, as set forth in the Initial Statement of Reasons released to the public on August 8, 2008;

WHEREAS, following the public hearing on September 25, 2008, the Board adopted Resolution 08-40 in which the Board approved adoption of sections 2299.1, title 13, California Code of Regulations (CCR), as set forth in Attachment A thereto, with the modifications set forth in Attachment B thereto;

WHEREAS, Resolution 08-40 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachments A and B to Resolution 08-40, with such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for a period of at least 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 or as necessary to ensure consistency with the modifications approved by the Board, and shall present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on October 27, 2008, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of at least 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, on April 15, 2009, additional modifications were prepared in response to the comments received during the first 15-day comment period, and additional documents were made available for public comment for a period of 15 days, 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, written comments were received during each of the two 15-day comment periods and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 08-40 are incorporated by reference herein.

