

State of California
AIR RESOURCES BOARD

Executive Order R-16-003

Relating to the California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines

WHEREAS, on April 22, 2016, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines, as set forth in Appendices A and B to the Initial Statement of Reasons, initially released to the public on March 1, 2016 and revised and reposted on March 3, 2016;

WHEREAS, the environmental analysis prepared under ARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the amendments and incorporated evaluation procedure are exempt from CEQA under the "general rule" or "common sense" exemption (14 CCR 15061(b)(3)) because substantial evidence in the record shows with certainty that there is no possibility that the proposed amendment and incorporated evaluation procedure may result in a significant adverse impact on the environment;

WHEREAS, following the public hearing, the Board adopted Resolution 16-4, in which the Board approved for adoption amendments to section 2222, of title 13, California Code of Regulations, and the incorporated Evaluation Procedure, as set forth in Attachments A and B of that resolution, respectively;

WHEREAS, Resolution 16-4 also, directed the Executive Officer to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications, if any, or present the regulation to the Board for further consideration if warranted;

WHEREAS, modified regulatory language was circulated for a 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from January 20, 2017 through February 6, 2017; and

WHEREAS, a number of written comments were received during the initial 45-day comment period, no comments were received during the supplemental 15-day comment period, and all submitted comments were considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 16-4 are incorporated herein.

IT IS FURTHER ORDERED that section 2222(k) of title 13, California Code of Regulations, which incorporates by reference the following document "California Evaluation Procedure for New Aftermarket Diesel Particulate Filters Intended as Modified Parts for 2007 through 2009 Model Year On-Road Heavy-Duty Diesel Engines," are adopted as set forth in Attachments 1 and 2 to this Order.

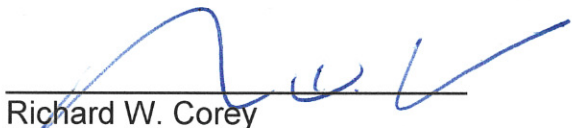
IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 1st day of March 2017, at Sacramento, California.

FILED

MAR 03 2017

Resources Agency of California



Richard W. Corey
Executive Officer

Attachments