

State of California  
AIR RESOURCES BOARD

**Executive Order R-18-001**

*Relating to PUBLIC HEARING TO CONSIDER THE PROPOSED  
AMENDMENTS TO THE AIRBORNE TOXIC CONTROL MEASURE FOR  
DIESEL PARTICULATE MATTER FROM PORTABLE ENGINES RATED AT 50  
HORSEPOWER AND GREATER - AND TO THE STATEWIDE PORTABLE  
EQUIPMENT REGISTRATION PROGRAM REGULATION*

WHEREAS, on November 16, 2017, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the proposed Amendments to the Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater, and to the Statewide Portable Equipment Registration Program Regulations, as set forth in Appendix A and Appendix B to the Initial Statement of Reasons released to the public on September 26, 2017;

WHEREAS, the environmental analysis prepared under CARB'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)), and contained in the Staff Report concluded that for the amendments, the Board can rely on the environmental analyses prepared under its certified regulatory program included in the Staff Reports released in 2004, 2007, and 2009, and that its review of the record evidence shows that the amendments will not result in new significant adverse environmental impacts, as described in Appendix J of the Staff Report;

WHEREAS, following the public hearing, the Board adopted Resolution 17-44 in which the Board found that the potential environmental impacts of the proposed amendments are considered by the prior environmental analyses and findings prepared to comply with CEQA, the amendments will not result in any significant adverse environmental impacts, and are expected to have a positive impact on the enforceability of the overall regulatory program, and no revisions to the prior environmental analyses are required because substantial evidence in the records shows there are no changes that will result in new significant adverse environmental impacts;

WHEREAS, following the public hearing, the Board adopted Resolution 17-44 in which the Board approved for adoption amendments to title 17, sections 93116, 93116.1, 93116.2, 93116.3, 93116.4, and 93116.5 of the California Code of Regulations, which are the Portable Engine Airborne Toxic Control Measure (Portable Engine ATCM or ATCM), as set forth in Attachment A of that resolution, and the Board approved for adoption amendments to title 13, chapter 9, article 5,

sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, and 2465 of the California Code of Regulations, which are the Portable Equipment Registration Program (PERP) Regulation, as set forth in Attachment B of that resolution;

WHEREAS, Resolution 17-44 directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed 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 or present the regulation to the Board for further consideration if warranted;

WHEREAS, modified regulatory language and supporting documentation were circulated for 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 February 21, 2018 to March 8, 2018;

WHEREAS, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment period, and those comments were considered by the Executive Officer;

WHEREAS, based on substantial evidence in the record there is no possibility the modifications to the regulation made available for 15 day public comment period after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received; and


WHEREAS, the Executive Officer in proposing the amendments determined that they would not create costs to local government that are reimbursable by the State and the Board considered the economic analyses of the proposed Amendments before adopting them.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 17-44 are incorporated herein.

IT IS FURTHER ORDERED that title 17, sections 93116, 93116.1, 93116.2, 93116.3, 93116.4, and 93116.5, of the California Code of Regulations, which are the Portable Engine ATCM, and title 13, chapter 9, article 5, sections 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, and 2465 of the California Code of Regulations, which are the PERP Regulation, 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 14<sup>th</sup> day of June, 2018 at Sacramento, California.



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Richard W. Corey  
Executive Officer

Attachments

**Identification of Attachments to the Executive Order**

**Attachment 1:** Amendments to the Airborne Toxic Control Measure for Diesel Particulate Matter from Portable Engines Greater Than 50 Horsepower, title 17, California Code of Regulations, sections 93116, 93116.1, 93116.2, 93116.3, 93116.4 and 93116.5 as set forth in Appendix A to the Staff Report, issued September 26, 2017.

**Attachment 2:** Amendments to the Statewide Portable Equipment Registration Program Regulation, title 13, California Code of Regulations, sections 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, and 2464, as set forth in Appendix B to the Staff Report, issued September 26, 2017.