WHEREAS, on November 5, 1998, the Air Resources Board (the “Board” or “ARB”) conducted a hearing to consider a comprehensive set of “LEV II” amendments to the California Low-Emission Vehicle (LEV) regulations; the amendments include the application of passenger car exhaust emission standards to most sport utility vehicles, pick-up trucks and mini-vans, lower tailpipe standards for all vehicles, more stringent requirements for phasing in cleaner vehicles, substantial strengthening of most evaporative emission standards, additional mechanisms for the generation of zero-emission vehicle credits, numerous technical modifications, and “CAP 2000” amendments to the certification and in-use compliance requirements for motor vehicles;

WHEREAS, following the public hearing on November 5, 1998, the Board adopted Resolution 98-53, in which the Board approved the regulatory amendments to title 13, California Code of Regulations (CCR), set forth in Attachment A thereto, and the amendments to (and adoption of) the documents incorporated by those regulations as set forth in Attachments B through M thereto, with the modifications set forth in Attachment N thereto other than those pertaining to Transitional Low-Emission Vehicle (TLEV) standards, and with the additional modification of eliminating the TLEV categories in the LEV II standards and, starting in the 2004 model year, in the LEV I standards;

WHEREAS, Resolution 98-53 directed the Executive Officer to incorporate into the approved amendments the modifications described above with such other conforming modifications as may be appropriate, to make the modified regulatory language available to the public for a supplemental 15-day comment period, and thereafter either to adopt the approved amendments with such additional modifications as may be appropriate in light of supplemental comments received, or to present the amendments to the Board for further consideration if warranted;

WHEREAS, the Board-approved modifications to the originally proposed regulatory text and incorporated documents, along with additional conforming modifications, were made available by a Notice of Availability of Modified Text for a supplemental 15-day comment period in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated;

WHEREAS, several written comments were received during the supplemental 15-day comment period; in light of the comments, additional modifications to the proposed amendments to title 13, CCR, and to three of the documents incorporated by reference, were made available by a Second Notice of Availability of Modified Text for a second supplemental 15-day comment period in accordance with the provisions of section 44, title 1, CCR, with the additional modifications clearly indicated; and
WHEREAS, the Attachments to this Executive Order consist of the following materials, reflecting the amended and new regulations and incorporated documents approved by the Board in Resolution 98-53, with the conforming modifications made available in connection with the first and second notices of public availability of modified text, and with the additional nonsubstantial modifications listed in Attachment 1 to the Final Statement of Reasons for this rulemaking:


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Attachment K: Amendments to the “California New Vehicle Compliance Test Procedures,” incorporated by reference in section 2101(b), title 13, CCR.

Attachment L: Amendments to the “California Motor Vehicle Emission Control and Smog Index Label Specifications,” incorporated by reference in section 1965, title 13, CCR.


NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 98-53 are incorporated herein.


Executed this ______ day of August, 1999, at Sacramento, California.

____________________________
Michael P. Kenny
Executive Officer

Attachments