

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-04-065

Adoption of an Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities where TRUs Operate

WHEREAS, on February 26, 2004, the Air Resources Board (the Board or ARB) conducted a public hearing to consider Adoption of an Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities where TRUs Operate, as set forth in the Initial Statement of Reasons released to the public on October 24, 2003;

WHEREAS, following the public hearing on February 26, 2004, the Board adopted Resolution 03-37, in which the Board approved adoption of section 2022, title 13, California Code of Regulations (CCR), as set forth in Attachment A and modified by Attachment B;

WHEREAS, Resolution 03-37 directed the Executive Officer to take final action to adopt the regulatory amendments set forth in Attachment A and Attachment B to Resolution 03-37, with such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if she determines that this is warranted;

WHEREAS, on April 5, 2004, 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, a number of written comments were received during the 15-day comment period and those comments, as well as the comments received during the 45-day comment period, have been considered by the Executive Officer;

WHEREAS, on July 16, 2004, additional modifications prepared in response to the comments received during the first 15-day comment period were made available for public comment for a period of at least 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;

WHEREAS, the staff of the Air Resources Board initially noticed the regulation to be codified at section 2022, title 13, CCR, it has subsequently determined that it would be more appropriately codified at section 2480, title 13, CCR.

WHEREAS, Attachment 1 hereto contains the regulatory text of new section 2480, title 13, CCR, reflecting the modified regulatory text made available during the two supplemental comment periods; and

WHEREAS, the Executive Officer finds that the reporting requirements of this regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-37 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 03-37, that the adoption of new section 2480, title 13, CCR, are hereby adopted as set forth in Attachment 1 hereto.

Executed this ____ day of September, 2004, at Sacramento, California.

Catherine Witherspoon
Executive Officer

Attachment