



Linda S. Adams  
Acting Secretary for  
Environmental Protection

# Air Resources Board

Mary D. Nichols, Chairman  
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Edmund G. Brown Jr.  
Governor

## MEMORANDUM

TO: Craig Tarpenning, Senior Staff Counsel  
Office of Administrative Law

FROM: Trini Balcazar  
Regulations Coordinator

DATE: January 18, 2011

**SUBJECT: OAL Regulatory Action Number: 2010-1206-01S:  
VERIFICATION PROCEDURE, WARRANTY AND IN-USE  
COMPLIANCE REQUIREMENTS FOR IN-USE STRATEGIES TO  
CONTROL EMISSIONS FROM DIESEL ENGINES**

The Office of Administrative Law is authorized to make the following additions in connection with the above-referenced rulemaking:

- (1) Substitute the enclosed three pages of the corrected final regulation text (seven copies provided) behind each copy of the Form 400 for filing with the Secretary of State and as the attachment to Executive Order R-10-019 in Tab 2 of the rulemaking file.
- (2) Add the enclosed Supplement to the Final Statement of Reasons to Tab 4 of the rulemaking file.
- (3) Add the three enclosed incorporated by reference documents that were inadvertently left out of the rulemaking file and attach behind each copy of the Form 400 for filing with the Secretary of State and as the attachment to Executive Order R-10-019 as follows in Tab 2 of the rulemaking file: (1) ISO 8178 Test Procedure, Part 4, August 15, 1996, Section 8.5, Test Cycles type E for Marine Engines, (2) 40 CFR Part 92 (subpart B), and (3) 40 CFR Part 1033 (Subpart F) for Locomotives (7-1-09 Edition).
- (4) Also, ARB authorizes OAL to correct the regulatory text by striking out the Health and Safety code Section "43830.8" and striking out "Section 71017 Public Resources Code" in all of the authority citations.
- (5) Substitute the enclosed revised Table of Contents at the beginning of the rulemaking file.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

- (6) Substitute the enclosed revised and updated Certificate/Affidavit/Declaration of Record Closure for the Rulemaking File at the beginning of the rulemaking file following the Table of Contents.

Thank you for your assistance in this matter. If you have any questions please feel free to contact me at (916) 445-9564.

Enclosures

cc: Kirk Oliver, Senior Staff Counsel