

INCORPORATION BY REFERENCE STATEMENT

Please complete the following, in addition to filing a copy of any material incorporated by reference in this rule.

1. Title or subject of rule:

Air Pollution Control Regulations, Subchapter XI, Low Emission Vehicles - Regulations to Control Greenhouse Gas Emissions from Motor Vehicles

2. Agency:

Agency of Natural Resources

3. Description of material to be incorporated by reference:

California Code, Title 13, Section 1961.1

4. Please explain how the material to be incorporated by reference can be obtained by the public and at what cost:

The referenced material can be obtained at the California Air Resources Board homepage at <http://www.arb.ca.gov/homepage.htm>, or a hard copy can be obtained by the Agency's Air Pollution Control Division.

5. Please explain any modifications to the matter incorporated, e.g., whether only part of the material supplied with this filing is adopted, and if so, which part.

There are no modifications to the matter incorporated.

6. Please explain why the agency decided not to reproduce the incorporated material in full in the text of the rule.

Sections 177 and 209 of the federal Clean Air Act provide states with two options: (1) accept the default federal emission standards; or (2) adopt emission standards that are identical to California's standards. The proposed rule would adopt emission standards that are identical to California's emission standards. Due to the length of the relevant section of the California Code of Regulations and to be consistent with past practice, the Agency is proposing to adopt California's emission standards by incorporation by reference. See section 5-1102 and Appendix F of the Air Pollution Control Regulations.

CERTIFICATION: AS THE ADOPTING AUTHORITY (see 3 V.S.A. § 801(b)(11) for definition) OF THIS RULE, I CERTIFY THAT THE TEXT OF THE MATTER INCORPORATED HAS BEEN

REVIEWED BY Elaine O'Grady, AN OFFICIAL OF THE AGENCY. I FURTHER CERTIFY THAT THE AGENCY HAS THE CAPACITY AND THE INTENT TO ENFORCE THE RULE.

Date: / /

(Sign here)

Thomas W. Torti, Secretary

(Type name here please)