

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE PROPOSED GREENHOUSE GAS (GHG) REGULATIONS FOR MEDIUM- AND HEAVY-DUTY ENGINES AND VEHICLES, OPTIONAL REDUCED EMISSION STANDARDS FOR HEAVY-DUTY ENGINES, AND AMENDMENTS TO THE TRACTOR-TRAILER GHG REGULATION, DIESEL-FUELED COMMERCIAL MOTOR VEHICLE IDLING RULE, AND THE HEAVY-DUTY HYBRID-ELECTRIC VEHICLES CERTIFICATION PROCEDURES

Public Hearing Date: December 12, 2013
First Public Availability Dates: May 27, 2014 – June 11, 2014
Second Public Availability: July 17, 2014
Deadline for Public Comment: August 1, 2014

This notice announces a second supplemental period during which the public may comment on additional proposed modifications to the proposed Greenhouse Gas Regulations for Medium- and Heavy-Duty Engines and Vehicles.

At its December 12, 2013, public hearing, the Air Resources Board (ARB or Board) approved for adoption the following heavy-duty vehicle-related proposals:

- Adoption of new GHG Regulation for Medium- and Heavy-Duty Engines and Vehicles to harmonize with the existing federal GHG regulations (Phase 1 GHG Emissions Regulations) for medium- and heavy-duty engines and vehicles, consisting of proposed amendments to title 13, California Code of Regulations (CCR), sections 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, and 2147, and proposed adoption of new sections 95660 to 95664, title 17, CCR, including the following test procedures that are incorporated by reference therein: proposed new test procedure entitled “California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy-Duty Vehicles,” to be incorporated by reference in title 17, CCR, 95663(c); proposed amended test procedure “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” last amended April 18, 2013, to be incorporated by reference in title 13, CCR, 1956.8(b); and proposed amended test procedure “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines,” last amended April 18, 2013, to be incorporated by reference in title 13, CCR, 1956.8(d).
- Amendments to ARB’s existing Heavy-Duty Vehicle GHG Emission Reduction Regulation (Tractor-Trailer GHG Regulation) to align with the federal Phase 1 GHG Regulations and to clarify the requirements for tractors retrofitted with

sleeper-cab compartments, title 17, CCR, sections 95300, 95301, 95302, 95303, and 95305.

- Adoption of new, optional oxides of nitrogen (NOx) standards for heavy-duty vehicle engines, which consist of amendments to title 13, CCR, section 1956.8, the incorporated “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles,” last amended April 18, 2013, and the incorporated “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles,” last amended April 18, 2013.
- Amendments to the Airborne Toxic Control Measure (ATCM) to Limit Diesel-fueled Commercial Motor Vehicle Idling (Idling ATCM) to expand compliance responsibility, title 13, CCR, section 2485.
- Amendments to the California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric and Other Hybrid Vehicles in the Urban Bus and Heavy-Duty Vehicle Classes, title 13, CCR, section 1956.8 and the “California Interim Certification Procedures for 2004 and Subsequent Model Hybrid-Electric Vehicles, in the Urban Bus and Heavy-Duty Vehicle Classes,” adopted October 24, 2002.

At the hearing, in response to comments received since the Staff Report was released on October 23, 2013, the staff presented and the Board approved modifications to the regulations and incorporated test procedures that were originally proposed in the Staff Report.

Phase 1 GHG Regulations

At the hearing, the Board adopted Resolution 13-50, approving for adoption the proposed amendments to title 13, CCR, sections 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, and 2147, and proposed adoption of new title 17, CCR, sections 95660, 95661, 95662, 95663, and 95664, including the aforementioned test procedures that are to be incorporated by reference. These proposed amendments and adoption of new regulatory sections and associated test procedures were initially proposed by staff and described in the Notice of Public Hearing (45-Day Public Notice) and Staff Report, which were initially published on October 23, 2013.

At the hearing, prior to taking action on Resolution 13-50, the Board considered modifications presented by staff to the initial proposal, entitled “Staff’s Suggested Modifications to the Original Proposal” that was distributed at the hearing and attached to Resolution 13-50 as Attachment E. The modifications provide manufacturers with additional lead time, until January 1, 2015, to produce California engine and vehicle labels, instead of immediately upon the effective date of the regulation.

In adopting Resolution 13-50, in accordance with Government Code section 11346.8, the Board directed the Executive Officer to adopt the proposed changes to the regulations and incorporated test procedures, as modified by Attachment E, after making any necessary modifications to the initial proposal and any additional supporting documents and information available to the public for a period of at least 15 days.

The text of the modifications to the initial proposal was made available for a supplemental 15-day comment period on May 27, 2014 in the "Notice of Public Availability of Modified Text," which was posted on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2013/hdghg2013/hdghg2013.htm>.

Summary of Proposed Modifications to the Phase 1 GHG Regulations

This notice contains a further modification to clarify the initially proposed amendments to title 13, CCR section 1900. The additional proposed modification to the regulatory text are contained in Attachment A to this notice and are shown in **bold double underline** to indicate additions and ~~**bold double underline**~~ to indicate deletions from the originally proposed regulatory text, released October 23, 2013. Subsections for which no changes are proposed in this rulemaking are indicated with [No change] or "* * *". The original proposed 45-day modifications are indicated in underline to indicate additions and in ~~strikeout~~ to indicate deletions. No modifications to title 13 CCR, section 1900 were proposed in the first 15-day "Notice of Public Availability of Modified Text" made available on May 27, 2014.

Title 13, CCR, section 1900(a) has been modified to clarify that the definitions in section 1900(b), supplement and are governed by the definitions set forth in chapter 2 (commencing with section 39010), part 1, division 26 of the Health and Safety Code, unless a definition in section 1900(b) revises a definition of the Health and Safety Code to conform to federal law pursuant to Health and Safety Code section 39601(b). The modification corrects an inherent inconsistency in the initially proposed amendments between sections 1900(a) and (b), the former of which indicated that the statutory definitions of the Health and Safety Code govern the definitions of section 1900(b) even if subsequently revised by ARB pursuant to section 39601(b). The proposed modification effectuates the Board's finding in Resolution 13-50 that the proposed definitions of emission standard, exhaust emission standards, and evaporative emission standards are necessary for purposes of clarity, consistency, and conformity with federal laws.

Internet Access

The resolutions and all other regulatory documents for the rulemakings are available online at the following ARB website:
<http://www.arb.ca.gov/regact/2013/hdghg2013/hdghg2013.htm>

Agency Contact Persons

Inquiries concerning the substance of the proposed regulations may be directed to the designated agency contact persons, (Phase 1 GHG and Optional Low NOx Standards) Ms. Kim Heroy-Rogalski at (916) 327-2200, (Tractor-Trailer GHG and Idling Airborne Toxic Control Measure), Mr. Stephan Lemieux at (626) 450-6162, or (Hybrid Certification Procedures), Mr. John Kato at (916) 322-2891.

Submittal of Public Comments

Written comments will only be accepted on the modifications identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachment