

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LEV III CRITERIA POLLUTANT REQUIREMENTS FOR LIGHT- AND MEDIUM-DUTY VEHICLES, THE HYBRID ELECTRIC VEHICLE TEST PROCEDURES, AND THE HEAVY-DUTY OTTO-CYCLE AND HEAVY-DUTY DIESEL TEST PROCEDURES

Public Hearing Date: October 23, 2014
First Public Availability Dates: December 23, 2014 – January 12, 2015
Second Public Availability Date: June 9, 2015
Deadline for Second Public Comment: June 24, 2015

At its October 23, 2014, public hearing, the Air Resources Board (ARB or Board) approved for adoption in Resolution 14-34 amendments to sections 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, and 1978, Title 13, California Code of Regulations and modifications to the documents incorporated by reference therein. The amendments incorporate elements of the federal Tier 3 program that are more stringent than LEV III or provide additional compliance flexibility without reducing or delaying progress towards achieving the benefits of LEV III.

At the hearing, staff presented, and the Board approved for adoption, the originally proposed amendments along with several proposed modifications, as presented in Attachment K to the resolution. The resolution directed the Executive Officer to incorporate the modifications presented in Attachment K into the proposed regulatory texts, with such other conforming modifications as may be appropriate, and to make the modified text available for public comment, with any additional supporting documents and information, a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

Following the Board's direction, staff provided a Notice of Public Availability of Modified Text with the modified text on December 23, 2014 (First Notice). Based on the comments received in response to the First Notice, staff is providing this Second Notice of Public Availability of Modified Text (Second Notice) to further modify the regulatory text and to solicit public comment on these latest proposed modifications.

The Resolution 14-34 and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2014/leviii2014/leviii2014.htm>

Additional Modifications. Based on the comments received during the comment period provided for the First Notice, staff is proposing additional clarifying and technical modifications to the regulatory texts that are needed to reflect the underlying intent of the proposal. The text of the modified regulatory language is shown in Enclosure A. The originally proposed regulatory language is shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions. The additional proposed changes to the originally proposed language that were subject to comment during the First Notice are shown in Enclosure A in ~~double-strikeout~~ and double underline format. New deletions and additions to the proposed language that are made public with this Second Notice are shown in ~~italics double-strikeout~~ and dotted underline, respectively. Those sections of the regulations and test procedures that contain originally proposed changes and/or first 15-day changes, but do not include second 15-day changes are not included in Enclosure A. Enclosure B provides a description of the modifications to the regulation and the justifications for the changes.

Additionally, this Second Notice includes non-substantive changes to the regulatory text to correct typographical or grammatical errors, change in numbering or formatting, or revision to the language to add clarity that do not materially alter the requirements or conditions of the proposed rulemaking action. Not all such changes are individually described in Enclosure B.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all changes that are noticed. Therefore, staff will only address comments that are responsive to this notice, documents added to the record, or the changes detailed in Enclosure A.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications are primarily administrative, clarifying changes, corrections of errors, and technical corrections that do not alter the compliance responses, so no modification to that environmental analysis or recirculation of that analysis is required.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Sarah Carter at (626) 575-6845 or to Mr. Paul Hughes at (626) 575-6977.

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 alterno 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.

CALIFORNIA AIR RESOURCES BOARD


Richard W. Corey
Executive Officer

Date: June 8, 2015

Enclosures