

* * * State regulations require that this notice be mailed to all persons * * *
who submitted comments during the LEV II public comment period

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text
and Supporting Documents and Information

**PUBLIC HEARING TO CONSIDER THE “LEV II” AND “CAP 2000” AMENDMENTS
TO THE CALIFORNIA EXHAUST AND EVAPORATIVE EMISSION STANDARDS
AND TEST PROCEDURES FOR PASSENGER CARS, LIGHT-DUTY TRUCKS AND
MEDIUM-DUTY VEHICLES, AND TO THE EVAPORATIVE EMISSION
REQUIREMENTS FOR HEAVY-DUTY VEHICLES**

Public Hearing Date: November 5, 1998
Internet Posting Date: March 26, 1999
Public Availability Date: April 15, 1999
Deadline for Public Comment: April 30, 1999

At a public hearing held November 5, 1998, the Air Resources Board (ARB or the Board) considered adoption of a comprehensive set of “LEV II” amendments to the California Low-Emission Vehicle (LEV) regulations, including the application of passenger car exhaust emission standards to most sport utility vehicles, pick-up trucks and mini-vans, lower tailpipe standards for all vehicles, more stringent requirements for phasing in cleaner vehicles, an up to 80% reduction in most evaporative emission standards, additional mechanisms for the generation of zero-emission vehicle credits, and “CAP 2000” amendments to the certification and in-use compliance requirements. The proposed amendments are described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on September 18, 1998.

The Board’s action. At the conclusion of the hearing, the Board adopted Resolution 98-53, in which it approved the originally proposed amendments with several modifications. Except for one area described below, the modifications were those suggested by staff in an 18-page document entitled “Staff’s Suggested Changes to the Original Proposal” that was distributed at the hearing and was Attachment N to the Resolution. The resolution directed the Executive Officer to incorporate the modifications into the proposed regulatory texts, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

The one set of Board-approved modifications not included in the Staff’s Suggested Changes document resulted from a successful motion to amend the resolution by deleting the Transitional Low-Emission Vehicle (TLEV) standards starting with the 2004 model year. The motion was made by Board member Roberts and was seconded by Board members Edgerton and Friedman. By passing this motion, the Board deleted both the proposed LEV II TLEV standards and the LEV I TLEV standards starting with model year 2004. The transcript is available online at: <http://www.arb.ca.gov/board/mt/mt110598.txt>. The discussion of the motion is contained on pages 296-303 of the transcript (obtainable by printing pages 293-297 of the file).

Subsequent to the hearing, the staff has identified a number of additional technical corrections to the regulatory texts that are needed to reflect the underlying intent of the original proposal. Most of these conforming modifications are nonsubstantive.

Modified text being made available. Section 44(a), title 1, California Code of Regulations requires the ARB to mail the modifications to the originally proposed regulatory text, except changes that are nonsubstantial, to the more than 5000 persons and businesses that commented on the LEV II proposal during the public comment period. Because of the large number of persons that must be notified, we have eliminated nonessential material from this mailing. Resolution 98-53 and the “Staff’s Suggested Changes” document are not attached to this notice, but are available online at the ARB’s Internet site for the LEV II regulatory documents — <http://www.arb.ca.gov/regact/levii/levii.htm>.

Attachment I to this notice contains the Board’s modifications to the proposed regulations and incorporated documents, along with explanations of the modifications. Only those portions of the text being modified are shown. Attachment I shows all of the modified text presented in the Staff’s Suggested Changes document, plus the changes needed to eliminate the TLEV categories starting in the 2004 model year. Attachment I separately identifies those conforming modifications prepared by staff subsequent to the hearing that may not be nonsubstantial. The LEV II Internet site identified in the preceding paragraph contains the *complete* proposed texts of all of the modified proposed regulations and incorporated test procedures and other documents. Printed copies are available from Ms. Donna Barragan, Mobile Source Control Division, telephone (626) 459-4405 or fax (626) 575-6699.

Additional supporting documents and information being made available. The staff has added to the rulemaking record the additional documents identified in Attachment II.

Comments and subsequent action. In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to make the modified amendments available to the public for a supplemental written comment period of at least 15 days. He is then directed either to adopt the amendments with such additional modifications as may be appropriate in light of the comments received, or to present the regulations to the Board for further consideration if warranted in light of the comments.

Written comments on the proposed modifications and the information identified in Attachment II must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications and additional information made available by this notice will be considered by the Executive Officer.

Robert H. Cross, Chief
Mobile Source Control Division

Attachments