

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO NEW
PASSENGER MOTOR VEHICLE GREENHOUSE GAS EMISSION STANDARDS**

Public Hearing Date: September 24, 2009
Public Availability Date: November 24, 2009
Deadline for Public Comment: December 9, 2009

At its September 24, 2009, public hearing, the Air Resources Board (ARB or Board) approved the amendments to the California Code of Regulations (CCR), title 13, sections 1961 and 1961.1, and to the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" incorporated by reference in California Code of Regulations, title 13, section 1961(d) (as last amended May 2, 2008). The approved amendments provide automobile manufacturers with the ability to demonstrate compliance with California's passenger vehicle greenhouse gas regulations based on their fleet average emissions from vehicles produced and delivered for sale in California, the District of Columbia, and all U.S. States that have adopted and can enforce California's greenhouse gas emissions standards pursuant to section 177 of the Clean Air Act. The approved amendments further provide manufacturers with additional flexibility to use data generated from other federal test procedures for demonstrating compliance with the Pavley standards.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on August 6, 2009, in response to comments received since the Staff Report was published. Board Resolution 09-53 approved with modifications sections 1961 and 1961.1, and the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as provided in the 45-day notice. Subsequent to the hearing, staff identified one additional modification to the regulations that is needed to maintain consistency between the procedures for calculating greenhouse gas debits for passenger cars and light-duty trucks 0-3750 lbs. loaded vehicle weight (LVW) and those for calculating greenhouse gas debits for light-duty trucks 3751 lbs. LVW to 8500 lbs. gross vehicle weight (GVW) and medium-duty passenger vehicles. A number of additional clarifying 15-day modifications have also been made to the regulations, based on comments received during the 45-day comment period and during subsequent discussions with manufacturers that indicate that some of the regulatory language, as contained in the 45-day notice, is being incorrectly interpreted. All of these changes are included in the amended regulatory language and test procedure language, as shown in the

attachments to this notice. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/ghgpv09/ghgpv09.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the amendments to the California Code of Regulations, title 13, section 1961.1, and the "California and Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles," after making them available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Summary of Proposed Modifications

1. Section 1961.1(a)(1)(A)1.d. has been modified to allow compliance with the fleet average greenhouse gas requirements to be based on the number of vehicles "produced and delivered for sale" in California and other states within the pooled average rather than on actual vehicle sales in those states. This change makes these regulations consistent with the Low-Emission Vehicle and Zero-Emission Vehicle program requirements;
2. Section 1961.1(a)(1)(B)1.a. has been modified to specify that for a manufacturer that elects to demonstrate compliance with the greenhouse gas requirements using Corporate Average Fuel Economy (CAFE) data, the calculation of the CO₂-equivalent value shall be based on vehicle "subconfigurations," which are groupings used in the CAFE program, rather than "GHG vehicle test groups," which are groupings used in California's current and un-amended greenhouse gas regulations;
3. Section 1961.1(b)(3)(A) has been modified to specify that the number of light-duty trucks 3751 lbs. LVW – 8500 lbs. GVW and medium-duty passenger vehicles not meeting California's greenhouse gas standards and, therefore, subject to civil penalties under Health and Safety Code section 43211, shall be calculated based on the greenhouse gas debits accrued for California. This proposed modification aligns with the calculation language added to the regulations earlier in that subsection as part of the original staff proposal for passenger cars and light-duty trucks 0-3750 lbs. LVW;
4. The proposed modification to section 1961.1(a)(1)(A)1.d. (item 1. above) has also been incorporated into subparagraph E.2.5.1.1.4 of the "California and

Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles";

5. The proposed modification to section 1961.1(a)(1)(B)1.a. (item 2. above) has also been incorporated into subparagraph E. 2.5.2.1.1 of the "California and Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles";
6. The proposed modification to section 1961.1(b)(3)(A) (item 3. above) has also been incorporated into subparagraph E.3.2.3.1. of the "California and Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles;"
7. Subparagraphs H.4.5(a)(iv) and (vii) of the "California and Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles" have been modified to eliminate the requirement that manufacturers report actual sales data to the Air Resources Board. This aligns the Test Procedures with the change described in item 1; and
8. Subsection H.4.5(a) of the "California and Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium Duty-Vehicles" has been modified to clarify the greenhouse gas reporting requirements. The modified language specifies the minimum data that is needed by ARB to allow the Executive Officer to verify compliance with the fleet average greenhouse gas requirements, as required by subparagraph H.4.5(b), and discussed in Section III, Summary of Recommended Action, in the Staff Report.

Written comments will only be accepted on the modifications approved by the Board 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 oral 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. Additionally, this information may become available via Google, Yahoo, and other search engines.

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.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette, or computer disk. For assistance, please contact the Clerk of the Board at (916) 322-5594 as soon as possible.

Attachments

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 ARB's website at www.arb.ca.gov.