

CALIFORNIA AIR RESOURCES BOARD
2017 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2016

Subject: Proposed Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities Regulation		CCR Title & Sections Affected: Title 17, Subchapter 10, Article 4, Subarticle 13, §§ 95665 – 95674 (new)		Statute(s) Being Implemented: Sen. Bill No. 4, Stat. 2013, Ch. 313, Pub. Resources Code § 3150 et seq.; and Assembly Bill No. 32, Stat. 2006, Ch. 488, Health & Saf. Code § 38500 et seq.		
Responsible Agency Unit: Industrial Strategies Division	Contact Person & Phone Number: Joe Fischer (916) 445-0071 Joelle Howe (916) 322-6349	Projected Dates:				
		Notice Published: 06/03/2016	Public Hearing: 03/23/2017	Approval by ARB: 03/23/2017	To OAL for review: 06/03/2017	
Summary: This is the second of two Board hearings where staff will present for Board consideration a proposed regulation for operating practices, equipment design, and control strategies to reduce methane emissions from oil and gas operations, including production, processing, storage, and natural gas transmission compressor stations. There will also be Volatile Organic Compound (VOC) and Toxic Air Contaminant emission reductions co-benefits. The first Board hearing took place on 07/21/2016.						

Subject: Proposed Amendments Portable Diesel-fueled Engine ATCM and Portable Equipment Registration Program Regulation		CCR Title & Sections Affected: Title 17, §§ 93116 – 93116.5. Title 13, §§ 2450 – 2465		Statute(s) Being Implemented: Health & Saf. Code §§ 41750 – 41755, 39650, 39658 – 39659, and 39666		
Responsible Agency Unit: Enforcement Division	Contact Person & Phone Number: Mike Guzzetta (916) 229-0707 Zuzana Vona (916) 229-0759	Projected Dates:				
		Notice Published: 03/10/2017	Public Hearing: 04/27/2017	Approval by ARB: 02/09/2018	To OAL for review: 03/09/2018	
Summary: Staff will present for Board consideration proposed changes to the Portable Engine Airborne Toxic Control Measures (ATCMs) and harmonizing changes to the Portable Equipment Registration Program (PERP) Regulation. Portable Engine ATCM changes will include new and updated control strategies. The proposed changes to the PERP Regulation will be new and revised provisions to allow implementation of the new ATCM control strategies and related requirements. The PERP Regulation will also include new administrative requirements and revised fee amounts that will provide for comprehensive and full cost recovery implementation of both the ATCM and PERP Regulation.						

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Subject: Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions		CCR Title & Sections Affected: Title 17, §§ 95100 – 95158		Statute(s) Being Implemented: Health & Saf. Code § 38500 et seq.	
Responsible Agency Unit: Industrial Strategies Division	Contact Person & Phone Number: Brieanne Aguila (916) 324-0919 Patrick Gaffney (916) 322-7303	Projected Dates:			
		Notice Published: 07/22/2016	Public Hearing: 04/28/2017	Approval by ARB: 04/28/2017	To OAL for review: 07/21/2017
Summary: This is the second of two Board hearings where staff will present for Board consideration proposed amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions to continue ensuring reported greenhouse gas data are accurate and fully support the California Cap on Greenhouse Gas Emissions and Market Based Compliance Mechanisms (title 17, § 95800 et seq.) (Cap-and-Trade Regulation) for the third compliance period and the post-2020 program, other ARB climate programs, and the federal Clean Power Plan (§111(d)). The first hearing took take place on 09/22/2016.					

Subject: Proposed Amendments to the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanisms Regulation		CCR Title & Sections Affected: Title 17, §§ 95800 - 96022		Statute(s) Being Implemented: Health & Saf. Code § 38500 et seq.	
Responsible Agency Unit: Industrial Strategies Division	Contact Person & Phone Number: Mark Sippola (916) 323-1095 Rajinder Sahota (916) 323-8503	Projected Dates:			
		Notice Published: 08/05/2016	Public Hearing: 04/28/2017	Approval by ARB: 04/28/2017	To OAL for review: 08/04/2017
Summary: This is the second of two Board hearings where staff will present for Board consideration proposed amendments to the Cap-and-Trade Regulation that will apply to the Cap-and-Trade Program’s third compliance period and the United States Environmental Protection Agency’s Clean Power Plan. The amendments will incorporate new provisions, streamline Regulation requirements and implementation, support the State’s commitment plan for the federal Clean Power Plan, and update the regulation to reflect the most recent data and information. The first hearing took take place on 09/22/2016.					

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Subject: Proposed Amendments to California Evaluation Procedures for New Aftermarket Catalytic Converters Regulation		CCR Title & Sections Affected: Title 13, §§ 1961.2 and 2222		Statute(s) Being Implemented: Health & Saf. Code §§ 39002, 39003, 39500, 39600, 39601, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, and 43205			
Responsible Agency Unit: Emissions Compliance, Automotive Regulations and Science Division	Contact Person & Phone Number: Richard Carranza (626) 450-6111	Projected Dates:					
		Notice Published: 06/09/2017	Public Hearing: 07/27/2017	Approval by ARB: 05/08/2018	To OAL for review: 06/08/2018		
Summary: Staff will present for Board consideration amendments to the California Evaluation Procedures for New Aftermarket Catalytic Converters Regulation. The proposed amendments would incorporate Low Emission Vehicle (LEV) III standards and test procedures to allow for anti-tampering exemption of aftermarket catalytic converters for sale and installation on LEV III vehicles.							

Subject: Proposed Amendments to the Heavy Duty Vehicle Inspection Program and Periodic Smoke Inspection Program Regulation		CCR Title & Sections Affected: Title 13, §§ 2180 – 2194		Statute(s) Being Implemented: Health & Saf. Code §§ 44011.6 and 43701			
Responsible Agency Unit: Mobile Source Control Division	Contact Person & Phone Number: Jason Hill-Falkenthal (916) 322-4683	Projected Dates:					
		Notice Published: 08/11/2017	Public Hearing: 09/28/2017	Approval by ARB: 07/10/2018	To OAL for review: 08/10/2018		
Summary: Staff will present for Board consideration revisions to the current Heavy-Duty Vehicle Inspection Program and Periodic Smoke Inspection Program. The major proposed change will involve lowering the existing opacity limit (40 percent) to account for the widespread use of aftertreatment devices (i.e. diesel particulate filters). Other clarifying revisions will be proposed.							

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Subject: Proposed Amendments to the Antiperspirant and Deodorant Regulation; Consumer Products Regulation; Alternative Control Plan for Consumer Products Regulation and Test Method 310		CCR Title & Sections Affected: Title 17, §§ 94500 – 94506.5; 94507-94517; 94540 – 94555		Statute(s) Being Implemented: Health & Saf. Code §§ 38500 et seq. 39650 et seq., 39666, 41712	
Responsible Agency Unit: Air Quality Planning and Science Division	Contact Person & Phone Number: Ravi Ramalingam (916) 322-2085	Projected Dates:			
		Notice Published: 09/08/2017	Public Hearing: 10/26/2017	Approval by ARB: 08/07/2018	To OAL for review: 09/07/2018
Summary: Staff will present for Board consideration proposed amendments to the Consumer Products Regulations. This will include potential recommendations to exempt trans-1-chloro-3,3,3-trifluoropropene (1233zd(E)) from the VOC definition, make minor administrative changes to clarify the scope of the Alternative Control Plan regulation, and updates to Test Method 310 to reflect the most recent version of American Society for Testing and Materials test methods referenced in Test Method 310.					

Subject: Proposed Amendments to the Vapor Recovery Equipment Defects Regulation		CCR Title & Sections Affected: Title 17, § 94006		Statute(s) Being Implemented: Heath and Saf. Code §§ 39600, 39601, 40001, 41511, 41954, and 41960.2 (c)(1) and (c))(2)	
Responsible Agency Unit: Monitoring and Laboratory Division	Contact Person & Phone Number: Merrin Wright (916) 324-6191 George Lew (916) 324-6300	Projected Dates:			
		Notice Published: 09/08/2017	Public Hearing: 10/26/2017	Approval by ARB: 07/31/2018	To OAL for review: 08/31/2018
Summary: Staff will present for Board consideration amendments to remove the Vapor Recovery Equipment Defect (VRED) List from the regulation in CCR Title 17, § 94006. Under the proposal, the Defect List would still be compiled in an ARB maintained list but not incorporated by reference in the regulation. This amendment would ensure that the list contains the most current defects and is easily accessible to the public. It would make more efficient use of staff resources and has the potential to reduce cost, if the VRED list is updated quickly and defects are identified while the equipment is still under warranty.					

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Subject: Proposed Amendments to the California Phase 2 Greenhouse Gas Regulations for Medium-and Heavy-Duty Engines and Vehicles		CCR Title & Sections Affected: Title 13, §§ 1900, 1956.8, 2036, 2037, 2112, 2139, 2140, and 2147. Title 17, §§ 95300-95303, 95305, 95660 to 95664		Statute(s) Being Implemented: Heath and Saf. Code §§ 38561 38501, 38505, 38510, 38560, 38560.5, 39010, 39500, 39600, 39601, 43013, 43018, 43100 – 43102, 43104 – 43107, and 43806. Vehicle Code § 28114	
Responsible Agency Unit: Mobile Source Control Division	Contact Person & Phone Number: Alex Santos (626) 575-6682 Mitzi Magtoto (916) 323-8975	Projected Dates:			
		Notice Published: 09/08/2017	Public Hearing: 10/26/2017	Approval by ARB: 08/07/2018	To OAL for review: 09/07/2018
Summary: Staff will present for Board consideration the proposed adoption of California greenhouse gas (GHG) emission standards for new medium- and heavy-duty engines and vehicles that are essentially identical to the United States Environmental Protection Agency's Phase 2 GHG standards for medium- and heavy-duty engines and vehicles. The federal Phase 2 standards are the second phase of federal heavy-duty GHG standards and build upon the Phase 1 standards. Although we plan to harmonize with the federal program, there will be minor technical areas where we anticipate differences between the California and the federal programs. Implementation will start with the 2018 model year for trailers and with the 2021 model year for engines and vehicles, with stringency levels increasing through 2027 model year. We may request an early effective date from the Office of Administrative Law (OAL) since OAL review and approval is scheduled for 2018 and trailer requirements become effective for model year 2018 trailers. Modifications will also be proposed to the existing California Tractor-Trailer GHG regulation to ensure alignment with the Phase 2 standards.					

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Subject: Proposed Fuel Cell Net Energy Metering Greenhouse Gas Emission Standard Regulation		CCR Title & Sections Affected: Title 17, §§ not yet assigned.		Statute(s) Being Implemented: AB 1637 (Stats 2016, ch. 658)	
Responsible Agency Unit: Industrial Strategies Division	Contact Person & Phone Number: Dave Mehl (916) 323-1491	Projected Dates:			
		Notice Published: 09/29/2017	Public Hearing: 11/16/2017	Approval by ARB: 08/29/2018	To OAL for review: 09/29/2018
Summary: Staff will present for Board consideration annual greenhouse gas emission standards for fuel cells to meet in order to participate in the California Public Utility Commission’s Fuel Cell Net Energy Metering Program. Staff will provide an informational update to the Board in March 2017.					

Subject: Proposed Amendments to the Off-Highway Recreational Vehicle Red Sticker Program Regulation		CCR Title & Sections Affected: Title 13, §§ 2410 – 2416		Statute(s) Being Implemented: Heath and Saf. Code §§39600, 39601, 43013, 43018, 43101, 43104, 43105, 43107, 43205.5, 43210, and 43824		
Responsible Agency Unit: Monitoring and Lab Division	Contact Person & Phone Number: Cassie Lopina (916) 322-2411	Projected Dates:				
		Notice Published: 09/29/2017	Public Hearing: 11/16/2017	Approval by ARB: 08/29/2018	To OAL for review: 09/29/2018	
Summary: Staff will present for Board consideration proposed regulatory amendments to address concerns identified during ARB’s ongoing assessment of the existing “Red Sticker” program. The Red Sticker program currently allows certain uncontrolled off-highway recreational vehicles (OHRV) to be sold in California, with seasonal riding restrictions to limit their operation in ozone non-attainment areas. Specifics of the proposed regulatory amendments will depend on the findings of staff’s assessment of the current program, which will be completed in early 2017.						

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Subject: Proposed Amendments to the Management of High Global Warming Potential Refrigerants for Stationary Sources Regulation		CCR Title & Sections Affected: Title 17, §§ 95380 – 95398		Statute(s) Being Implemented: Assembly Bill No. 32	
Responsible Agency Unit: Research Division	Contact Person & Phone Number: Kenneth Bowers 916-323-1510 Pamela Gupta 916-327-0604	Projected Dates:			
		Notice Published: 09/29/2017	Public Hearing: 11/16/2017	Approval by ARB: 08/28/2018	To OAL for review: 09/28/2018
Summary: Staff will present for Board consideration amendments to the subject regulation consisting of regulation language clarification and removal of outdated elements. Additional elements will be added to enhance enforceability and rule effectiveness to achieve desired emission reductions.					

Subject: Proposed Amendments to Area Designations for State Ambient Air Quality Standards		CCR Title & Sections Affected: Title 17, §§ 60201 – 60210		Statute(s) Being Implemented: Health & Saf. Code §§ 39607 (e), 39608, 40718	
Responsible Agency Unit: Air Quality Planning and Science Division	Contact Person & Phone Number: Theresa Najita (916) 322-7297	Projected Dates:			
		Notice Published: 10/27/2017	Public Hearing: 12/14/2017	Approval by ARB: 09/26/2018	To OAL for review: 10/26/2018
Summary: Staff will present for Board consideration a routine annual update to the area designations for the State Ambient Air Quality Standards. Based on staff’s review of the most recent air quality data, staff will propose any changes to the area designation.					

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Subject: Proposed Amendments to the Warranty and Emission Warranty Information and Reporting Regulations for On- Road Heavy-Duty Vehicles and Engines		CCR Title & Sections Affected: Title 13, §§ 2036, 2012, 2111 – 2135, and 2141 – 2149		Statute(s) Being Implemented: Health & Saf. Code §§ 38501, 38505, 38510, 38560, 39003, 39010, 39500, 39600, 39601, 43000, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43806, 43204 – 43205.5, 43201.5, and 43211		
Responsible Agency Unit: Mobile Source Control Division	Contact Person & Phone Number: Jeff Lowry (626) 575-6841 Jeff Wong (626) 575-7009	Projected Dates:				
		Notice Published: 10/27/2017	Public Hearing: 12/14/2017	Approval by ARB: 09/26/2018	To OAL for review: 10/26/2018	
Summary: Staff will present for Board consideration amendments to the emissions control system warranty regulations and the emissions warranty information reporting program applicable to on-road heavy duty engines and vehicles. The proposed emission control system warranty amendments would lengthen the existing warranty periods to better reflect the longevity and usage of modern trucks, thus ensuring that any defects that cause engines or vehicles to fail to conform to applicable requirements are repaired at no additional cost to the consumer. The proposed emissions warranty information reporting amendments would require manufacturers to take corrective action (typically in the form of a recall or extended warranty) once the warranty claims rate for an emission control component exceeds the corrective action threshold, thus ensuring that any components with systemic failures are repaired timely and at no additional cost to the customer.						

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Subject: Proposed Regulatory Amendments to Address Gasoline Station Overpressure		CCR Title & Sections Affected: Title 13, §2235. Title 17, §§ 94010, 94011 and 94016		Statute(s) Being Implemented: Health and Saf. Code §§ 25290.1.2, 39003, 39515, 39600, 39601, 39607, 40001, 41511, 41954, 41956.1, 41959, 41960, 41960.2, 43000, 43013, 43018, 43101, 43104, 43106, 43107, 43204, and 43835. Vehicle Code §§ 28111 and 28112			
Responsible Agency Unit: Monitoring and Laboratory Division and Emissions Compliance, Automotive Regulations, and Science Division	Contact Person & Phone Number: John Marconi (MLD) (916) 323-6752 Lou Dinkler (MLD) (916) 324-9487 Jackie Lourenco (ECARS) (626) 450 6152 Jason Gordon (ECARS) (626) 575 7068	Projected Dates:					
		Notice Published: 10/27/2017	Public Hearing: 12/14/2017	Approval by ARB: 09/26/2018	To OAL for review: 10/26/2018		
Summary: Staff will present for Board consideration proposed amendments to regulations regarding procedures to certify and test vapor recovery systems used at gasoline dispensing facilities (GDF or gas stations). The certification systems include in-station diagnostics (ISD) similar to on-board diagnostic on cars that provide warning to gas station operators when there is high likelihood of vapor recovery equipment failures so that repairs can be carried out expeditiously. Staff will propose a number of station and vehicle specific solutions address ISD nuisance overpressure alarms that experienced by GDFs primarily during periods when winter gasoline is sold (typically between November and March).							

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REPORT ON THE STATUS OF ALL UNCOMPLETED RULEMAKING DESCRIBED ON 2016 CALENDAR:

Subject: Aftermarket Diesel Particulate Filters Regulation	Projected Dates:		
	Notice Published: 03/04/2016	Public Hearing: 04/22/2016	To OAL for review: 03/03/2017
Subject: Proposed Amendments to the Regulation for Small Containers of Automotive Refrigerant	Projected Dates:		
	Notice Published: 03/04/2016	Public Hearing: 04/22/2016	To OAL for review: 03/03/2017
Subject: Proposed Amendments to the Large Spark-Ignition Engine Fleet Requirements Regulation	Projected Dates:		
	Notice Published: 06/03/2016	Public Hearing: 07/21/2016	To OAL for review: 06/03/2017
Subject: Proposed Regulation to Provide Certification Flexibility for Innovative Heavy-Duty Engines and California Certification and Installation Procedures for Medium and Heavy-Duty Vehicle Hybrid Conversion Systems	Projected Dates:		
	Notice Published: 09/02/2016	Public Hearing: 10/20/2016	To OAL for review: 09/01/2017
Subject: Proposed Amendments to the Evaporative Emission Requirements for Small Off-Road Engines	Projected Dates:		
	Notice Published: 09/30/2016	Public Hearing: 11/17/2016	To OAL for review: 09/29/2017