TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE "LEV III" AMENDMENTS TO THE CALIFORNIA GREENHOUSE GAS AND CRITERIA POLLUTANT EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND TEST PROCEDURES AND TO THE ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES, AND TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR HEAVY-DUTY VEHICLES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of a comprehensive set of "LEV III" amendments to the California Low-Emission Vehicle (LEV) regulations. These amendments reduce emissions of criteria pollutants from new light- and medium-duty vehicles by: reducing fleet average emissions from new passenger cars, light-duty trucks, and medium-duty passenger vehicles to super ultra-low-emission vehicle levels by 2025; replacing separate non-methane organic gas (NMOG) and oxides of nitrogen standards (NOx) with combined NMOG plus NOx standards; increasing full useful life durability requirements from 120,000 miles to 150,000 miles, which guarantees vehicles operate longer at these proposed extremely low emission particulate levels; creating a backstop to assure continued production of super-ultra-low-emission vehicles after partial zero-emission vehicles as a category are moved from the Zero-Emission Vehicle program to the LEV III program in 2018; establishing more stringent particulate matter standards for light- and medium-duty vehicles; establishing zero fuel evaporative emission standards for passenger cars and light-duty trucks, and more stringent evaporative standards for medium-duty vehicles; establishing more stringent supplemental federal test procedure (SFTP) standards for passenger cars and light-duty trucks; and, for the first time, requiring medium-duty vehicles to meet SFTP standards. Other minor amendments (e.g., in-use verification testing requirements, reporting requirements, etc.) are proposed to align existing related procedures with the principal amendments. These amendments also establish more stringent greenhouse gas regulations that: are comprised of three emission standards; a CO_2 standard, a CH_4 standard and a N_2O standard; use a footprint-based approach to reduce emissions from new light-duty vehicles and medium-duty passenger vehicles; provide credits for improvements to the vehicle air conditioning system (either from the use of a refrigerant with a low Global Warming Potential or by incorporating improvements to the efficiency of the system); provide credits for technologies that reduce CO_2 emissions but are not measured on the applicable test cycles ; and provide credits for technology innovations on the largest of pickup trucks. This comprehensive set of amendments, part of the Advanced Clean Cars regulatory proposals to be heard as a package on the same day, address multiple pollutant types in the context of California's passenger motor vehicle program as a whole.

DATE: January 26, 2012

TIME: 9:00 a.m.

PLACE: Metropolitan Water District of Southern California
700 N. Alameda Street
Los Angeles, CA 90012-2944

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 26, 2012, and may continue at 8:30 a.m., on January 27, 2012. This item may not be considered until January 27, 2012. Please consult the agenda for the hearing, which will be available at least 10 days before January 26, 2012, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 13, sections 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, and 2317; and to the following documents incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as last amended September 27, 2010; "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," as last amended September 27, 2010; "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," as last amended September 27, 2010 ; "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks," as last amended January 22, 1990; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines," as last amended September 27, 2010; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended October 12, 2011; "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles, " as adopted May 2, 2008; "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels, " as adopted November 2, 1993; and proposed new "Specifications for Fill Pipes and Openings of 2015 and Subsequent Motor Vehicle Fuel Tanks;" and proposed new "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels in 2015 and Subsequent Years."

Proposed adoption in California Code of Regulations, title 13, of new sections 1961.2 and 1961.3 and new "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" incorporated by reference therein,

and amendment of the following document incorporated by reference therein: "California Non-Methane Organic Gas Test Procedures," as last amended July 30, 2002.

Background

California's Current Criteria Pollutant Emission Standards

The LEV II Program

In 1999, California adopted the second phase of the Low-Emission Vehicle Program (LEV). These amendments, known as LEV II, set more stringent fleet average non-methane organic gas (NMOG) requirements for model years 2004-2010 for passenger cars and light-duty trucks, established additional emission categories to provide compliance flexibility with the revised fleet average requirements, and established a new emissions category, partial zero-emission vehicle (PZEV) that could be used toward meeting the zero-emission vehicle requirement. The amendments also expanded the heavier light-duty truck (LDT2) category to include trucks and sport utility vehicles up to 8,500 lbs. gross vehicle weight rating (GVWR) and required these vehicles to meet the same emission standards as passenger cars, and extended full useful life from 100,000 miles to 120,000 miles. The LEV II amendments also established more stringent emission standards for medium-duty vehicles (MDVs) between 8,501-14,000 lbs. GVW. The following table lists the vehicle classes affected by the current LEV program.

Vehicle Class	Weight Range[1]
Passenger cars	All weights
Light-duty truck 1	0-3750 lbs. LVW
Light-duty truck 2	3751 lbs. LVW – 8,500 lbs. GVWR
Medium-duty vehicle	8,501-10,000 lbs. GVWR
	10,001-14,000 lbs GVWR

Other principal features of the current LEV program follow.

[1] There are several classifications for vehicles based on weight. Curb weight is defined as the actual weight of the vehicle. Loaded vehicle weight (LVW) is defined as the curb weight plus 300 pounds. Gross vehicle weight rating (GVWR) is the maximum designed loaded weight of the vehicle; this means curb weight of the vehicle plus full payload.

Supplemental FTP Emission Regulations

Emissions from aggressive driving and from air conditioner use are not accounted for during typical emission testing for criteria pollutants, using the Federal Test Procedures (FTP). Instead, these "off-cycle" emissions are subject to the California Supplemental Federal Test Procedures (SFTP).

Evaporative Emission Regulations

Compliance with the current evaporative emission regulations, adopted as part of the LEV II Program, is based on meeting three separate certification "whole vehicle" emission standards. Specifically, these include the running loss emission standard, the three-day diurnal plus high-temperature hot soak (three-day) emission standard, and the two-day diurnal plus moderate-temperature hot soak (two-day) emission standard.[2] The running loss emission standard ensures evaporative emission control during vehicle driving. The three-day emission standard ensures that the evaporative system can control evaporative emissions for three consecutive hot summer days. The two-day emission standard ensures an effective strategy to purge the vehicle carbon canister.

As an option, a manufacturer may certify its passenger cars and light-duty trucks to more stringent requirements by complying with zero-evaporative emission standards. Specifically, these requirements consist of more stringent three-day and two-day whole vehicle emission standards, as well as a "zero" fuel evaporative emission standard. Over the two-day and three-day test procedures, passenger cars must meet a 0.35 grams per test hydrocarbon emission standard (higher levels are allowed for larger vehicles), which includes fuel and non-fuel hydrocarbon emissions. They must also meet the zero-evaporative emission standards, which require a vehicle to emit no more than 0.054 grams per test of fuel-only evaporative emissions. Currently, manufacturers certify to zero-evaporative emission standards in order to qualify for Partial Zero-Emission Vehicle (PZEV) credits under the ZEV regulatory mandate. This PZEV certification and crediting applies only if the vehicle's exhaust emissions are also certified to SULEV exhaust standards with a 150,000-mile useful life and a 150,000 mile emission warranty.

Environmental Performance Label

Currently, all new vehicles sold in California must include a California Environmental Performance Label, which provides consumers with a user-friendly scoring system for comparing the relative smog emissions (Smog Score) and global warming emissions (Global Warming Score) from comparable vehicles. Both scores are based on a scale of 1 -10, with 10 being the cleanest and 5 representing an average new car.

---

[2] Compliance with the running loss and three-day emission standards is demonstrated over a three-day diurnal test procedure. Compliance with the two-day emission standard is demonstrated over a two-day diurnal test procedure.

Since the spring of 2010, ARB staff has advised the U.S. Environmental Protection Agency (USEPA) and the National Highway Traffic Safety Administration (NHTSA) on its proposal to revise the federal Fuel Economy Label, so that as revised it could serve as an alternative to the California Environmental Performance Label.

Important California requirements addressed by the final, adopted federal label included:

- Adding the following statement to the label: "Vehicle emissions are a significant cause of climate change and smog"
- Having a clear statement about upstream emissions and having a clear place to find this information on a regional basis.
- Including all cars in a single rating system rather than segregating by size or class.
- Including both a Greenhouse Gas and Fuel Economy Rating[3] and a Smog Rating from 1 to 10 with 10 being best.

In June 2011, USEPA and NHTSA published 40 CFR Parts 85, 86, and 600 providing requirements for the new Fuel Economy and Environment Label. This new Federal Label is required on all new cars starting with Model Year 2013 and can be affixed earlier on a voluntary basis.

On-Board Diagnostic Systems

Second generation on-board diagnostics (OBD II) systems are comprised mainly of software designed into the vehicle's on-board computer to detect emission control system malfunctions as they occur by monitoring virtually every component and system that can cause an increase in emissions. When an emission-related malfunction is detected, the OBD II system alerts the vehicle owner by illuminating the malfunction indicator light (MIL) on the instrument panel. By alerting the owner of malfunctions as they occur, repairs can be sought promptly, which results in fewer emissions from the vehicle. Additionally, the OBD II system stores important information including identification of the faulty component or system and the nature of the fault, which typically allow for quick diagnosis and proper repair of the problem by technicians. This helps owners achieve less expensive repairs and promotes repairs done correctly the first time.

Manufacturers recently approached ARB staff and requested regulation changes that they indicated were needed immediately in order to ensure compliance when they certify their 2013 model year vehicles. Manufacturers and ARB staff held discussions with interested manufacturers, including a face-to-face meeting on July 27, 2011, to discuss their proposal.

In response to the manufacturers' requests, staff agreed to minor changes to the OBD II regulation, which would have negligible emission impact.

---

[3] The federal value is tied only to tailpipe GHGs and excludes other vehicular GHGs (e.g. air conditioning refrigerant).

E10 Certification Fuel

The California certification fuel used for testing exhaust and evaporative emissions on passenger cars, light-duty trucks, medium-duty vehicles, and heavy-duty gasoline engines and vehicles currently contains the oxygenate methyl tertiary butyl ether (MTBE) in the quantity of 10.8 to 11.2 volume percent (equivalent to 2.0 percent oxygen by weight). MTBE was banned for use in California gasoline starting December 31, 2003. As a result of the ban of MTBE, ethanol became the prevalent oxygenate used in California gasoline. After the ban, refiners began adding approximately 5.7 volume percent ethanol to gasoline, which is equivalent to 2.0 percent oxygen by weight. California gasoline contained 5.7 percent ethanol until the end of 2009. In 2010, California refiners transitioned to producing gasoline containing 10 percent by volume ethanol (E10). Currently, all gasoline in California contains 10 percent ethanol and will continue to contain 10 percent ethanol for the foreseeable future. While the oxygenate and oxygenate amount have changed in in-use California gasoline, the certification fuel on which emission testing is being done has not.

California's Current (Pavley) Greenhouse Gas Emission Standards

Citing compelling and extraordinary air quality and other impacts California faces from global warming, in 2002 the Legislature passed and the Governor signed Assembly Bill (AB) 1493 (Pavley). This bill requires ARB to develop and adopt regulations to achieve the maximum feasible and cost-effective reduction of heat-trapping greenhouse gas emissions from passenger motor vehicles, beginning with the 2009 model year. The Board approved regulations at its September 2004 hearing, and they were adopted in their final form in August 2005.

Subsequent to that hearing, automakers, California, and the federal government committed to a series of actions to resolve ongoing disputes over the California standards through model year 2016. The result of this agreement was the development of a national greenhouse gas program for passenger vehicles that achieves equivalent or better emission reductions as the California program, additional compliance flexibilities provided in the California program, and agreement by California to accept manufacturers' demonstrated compliance with U.S. EPA-adopted greenhouse gas standards as compliance with California's standards for the 2012 through 2016 model years.

Development of California's Proposed Greenhouse Gas Emission Standards

In May of 2010, USEPA and NHTSA issued a Notice of Intent to develop greenhouse gas emission standards for passenger vehicles for the 2017 through 2025 model years. The Notice requested that USEPA and NHTSA work closely with ARB on a 2010 technical assessment that would evaluate technologies and costs to achieve varying levels of GHG emission reductions through model year 2025. The result was a September 2010 *Interim Technical Assessment Report,* jointly authored by USEPA, NHTSA, and ARB. Subsequent to that collaborative technical work, ARB staff has closely monitored the work of USEPA and NHTSA, and the agencies' staffs continued to jointly meet with various stakeholders (e.g., individual automakers, automotive suppliers, environmentalists, labor unions), examine updated technical materials, and develop consistent technology assumptions.

Current Proposal

Criteria Pollutant Emission Standards

In order to achieve further criteria emission reductions from the passenger vehicle fleet, staff is proposing several amendments representing a significant strengthening of the current LEV program. The major elements of the proposed LEV III program are:

- A reduction of fleet average emissions of new passenger cars (PCs), light-duty trucks (LDTs) and medium-duty passenger vehicles (MDPVs) to super ultra-low-emission vehicle (SULEV) levels by 2025;
- The replacement of separate NMOG and oxides of nitrogen (NOx) standards with combined NMOG plus NOx standards, providing automobile manufacturers with more flexibility in meeting these stringent standards;
- Increasing full useful life durability requirements from 120,000 miles to 150,000 miles, which guarantees vehicles operate longer at these extremely low emission levels;
- A backstop to assure continued production of super-ultra-low-emission vehicles after PZEVs as a category are moved from the Zero-Emission Vehicle program to the LEV III program in 2018;
- More stringent particulate standards for light- and medium-duty vehicles, which will reduce health effects including premature deaths associated with these emissions;
- Zero fuel evaporative emission standards for PCs and LDTs, and more stringent evaporative standards for medium-duty vehicles (MDVs);
- More stringent supplemental federal test procedure (SFTP) standards for PC and LDTs, including particulate matter (PM) emission standards, which reflect more aggressive real world driving and, for the first time, require MDVs to meet SFTP standards;

- Minor changes to the OBD II regulation, California Code of Regulations (Cal. Code Regs.), title 13, section 1968.2, and its associated enforcement regulation, section 1968.5, which provide slight additional lead time to meet a new monitoring requirement or minimal adjustment of a monitoring threshold for detecting an emission issue; and
- Certification fuel that contains 10 percent ethanol and is representative of current in-use fuel.

Greenhouse Gas Emission Standards

Based on the *Interim Technical Assessment Report*, ARB developed its second generation greenhouse gas regulations that will apply for the 2017 and subsequent model years. These regulations incorporate many of the elements of the proposed national rule, including separate emission standards for carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), providing credits toward the CO_2 standard if a manufacturer reduces refrigerant emissions from the vehicle's air conditioning system, and using a footprint-based approach for reducing emissions. Under this footprint-based approach, target CO_2 values are assigned for different vehicles based on the model type and the footprint (i.e. the area described by wheelbase times the average track width of the vehicle) of the vehicle. The overall emission reductions required of each manufacturer would be unique to that manufacturer based on the mix of vehicles it sells. The proposed California regulations also provide credits for using verifiable GHG emission-reduction technologies that are not fully accounted for with the established regulatory test cycle procedures. And the proposed regulations would allow manufacturers to demonstrate compliance with California's proposed standards by demonstrating to ARB National Program compliance.

While ARB has worked closely to coordinate development of the California and national greenhouse programs, there are a number of provisions that are unique to California. First, California's proposed regulations would continue to require that the CO_2-equivalent emissions from electric vehicles, off-vehicle charge capable hybrid electric vehicles (also known as "plug-in" hybrid electric vehicles), fuel cell vehicles, and ethanol vehicles be calculated by taking into account the upstream emissions from these vehicles. Also, the California proposal maintains the current option for a manufacturer to "pool" its sales of vehicles to California, the District of Columbia, and those states that have adopted California's motor vehicle regulations pursuant to section 177 of the Clean Air Act. However, a manufacturer that elects to demonstrate compliance with California's proposed regulations by pooling its sales must continue to maintain and report separate sales and emissions values for each pooled entity.

COMPARABLE FEDERAL REGULATIONS

Criteria Pollutant Emission Standards

There are currently no comparable federal criteria pollutant emission standards for 2015 and subsequent model passenger vehicles as stringent as this proposed California rule.

However, USEPA has indicated that it expects to issue a Notice of Proposed Rulemaking (NPRM) for their "Tier 3" next generation of criteria pollutant emission standards in January 2012, which will apply to 2017 and subsequent model year vehicles. Staff expects the Tier 3 program to be comparable to the California proposed rule in the applicable timeframe. This national rule is expected to be finalized in late-2012.

Greenhouse Gas Emission Standards

There are currently no comparable federal greenhouse gas emission standards that are as stringent as the proposed standards for 2017 and subsequent model passenger vehicles. (The current federal greenhouse gas emission standards for the 2016 and subsequent model years are comparable to those applicable in California in the 2016 model year). However, on November 16, 2011, an NPRM was issued by USEPA and NHTSA for a joint rulemaking that proposes a coordinated federal greenhouse gas emission reduction and fuel economy program for light-duty vehicles, beginning in the 2017 model year. This national rule is expected to be finalized by the end of July 2012. There are no significant differences between the proposed California greenhouse gas regulations and those presented in the NPRM. Furthermore, staff does not expect there to be any significant differences between the proposed California greenhouse gas regulations and those in USEPA's Final Rule.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Proposed Rulemaking, Public Hearing to Consider the "LEV III" Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards and Test Procedures and to the On-Board Diagnostic System Requirements for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and to the Evaporative Emission Requirements for Heavy-Duty Vehicles.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on December 7, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Paul Hughes, Manager, Low-Emission Vehicle

Implementation Section, at (626) 575-6977, or Ms. Sarah Carter, Staff Air Pollution Specialist, at (626) 575-6845.

Further, the agency representative and designated back-up contact persons, to whom non substantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at http://www.arb.ca.gov/regact/2012/leviiighg2012/leviiighg2012.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies, except that there is expected to be an unquantifiable reduction in future gasoline tax revenue due to this proposal.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The proposal is expected to increase the annual cost of compliance for vehicle manufacturers that are subject to the requirements of California's Low-Emission Vehicle regulations by approximately $40 million per manufacturer, which is assumed to be passed on in full to consumers. The proposal is therefore expected to result in a $1900 average increase in the purchase price of a new passenger vehicle when the standards include the cost associated with the ZEV program are fully phased in; however, purchasers of these new vehicles are expected to realize an average net savings of $4,000 per vehicle due to decreased operating costs.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would create approximately 67,000 new

jobs and eliminate approximately 30,000 current jobs within the State of California. The proposed regulatory action would not affect the creation or elimination of directly affected businesses within the State of California. However, both directly affected businesses along with businesses in other sectors within the State of California could expand or contract as a result of the proposed regulations. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would not directly affect small businesses, because the proposed LEV III regulations do not apply to small businesses.

In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the regulation which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.
Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Appendix B of the ISOR.

SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on December 12, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after December 12, 2011 and received no later than 12:00 noon on January 25, 2012, and must be addressed to the following:

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

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: http://www.arb.ca.gov/board/online-signup.htm.

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.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 38510, 38560, 38562, 39500, 39515, 39600, 39601, 39667, 43006, 43013, 43018, 43018.5, 43101, 43104, 43105, 43200, 43210, 43210.5, and 44036.2, and Vehicle Code section 27156. This action is proposed to implement, interpret, and make specific sections 38501, 38510, 38560, 39002, 39003, 39667, 40000, 43000, 43004, 43006, 43008.6, 43009.5, 43100, 43101, 43101.5, 43102, 43104, 43106, 43205, 43205.5, 43210, 43211, 43212, and 43213, Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alterno u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD

James N. Goldstene
Executive Officer

Date: November 29, 2011

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 our website at www.arb.ca.gov