

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER MINOR MODIFICATIONS TO THE ZERO
EMISSION VEHICLE REGULATION**

Public Hearing Date: October 24, 2013

Public Availability Date: April 3, 2014

Deadline for Public Comment: April 18, 2014

At its October 24, 2013 public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed amendments to California Code of Regulations, title 13, sections 1962.1 and 1962.2, and proposed amendments to “California Exhaust Emission Standards and Test Procedures for 2009 through 2017 Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck, and Medium-Duty Vehicle Classes,” as last amended December 6, 2012, and “California Exhaust Emission Standards and Test Procedures for 2018 and Subsequent Model Zero-Emission Vehicles and Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck, and Medium-Duty Vehicle Classes,” as last amended December 6, 2012. These regulations relate to the Board’s Zero Emission Vehicle (ZEV) program, which requires auto manufacturers to develop and commercialize ZEV technologies. The regulations were originally proposed in the Staff Report released for public review on September 4, 2013.

Since the release of the Staff Report, public comments were received. In response to those comments, the staff presented at the hearing, and the Board approved, modifications to the regulations. Staff’s modified proposal addressed three minor problems:

- 1) Adjust the optional Section 177 state¹ compliance path as committed to by the Section 177 states and the manufacturers;
- 2) Maintain a minimum ZEV credit requirement, regardless of model year and use of non-ZEV credits earned in the regulation; and
- 3) Correct grammatical and California Code of Regulation (CCR) reference errors.

¹ “Section 177 state” means a state that is administering the California ZEV requirements pursuant to section 177 of the federal Clean Air Act (42 U.S.C. § 7507).

Based on comments received, the Board also directed staff to incorporate further modifications to the regulation's fast refueling credit provisions to ensure that such credit for Type IV and V ZEVs through 2017 model year only be awarded based on actual use and be fuel neutral.

Board Resolution 13-41 approved section 1962.1 and 1962.2, and incorporated test procedures, as modified. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:
<http://www.arb.ca.gov/regact/2013/zev2013/zev2013.htm>

In accordance with Government Code section 11346.8, the Board directed the Executive Officer to adopt the proposed regulatory language as modified after making it 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.

Modified Text Being Made Available for Public Comment

As shown in the 45-Day Public Notice, the existing regulatory language for sections 1962.1 and 1962.2 is denoted by plain text, while additions to the existing regulatory text, as initially proposed, are denoted by single underline and deletions by ~~single strikeout~~. Attachment A contains additional changes to section 1962.1 available through this notice for comment. The additional proposed changes to section 1962.1 that are subject to comment in this 15-Day Public Notice are denoted in Attachment A by double underline and deletions by ~~double strikeout~~. Text that has both single underline and double strikeout is additional text that staff proposed during the 45-day Public Notice period but are now proposed for retraction as part of this 15-day Public Notice period.

Summary of Proposed Modifications

Adopted in 2001, ZEVs with the ability to refuel to 95% of full capacity within 15 minutes are allowed to earn more credit, under the Type IV and Type V ZEV definitions. The Board directed staff to retain the fast refueling accreditation, so long as it is based on real-world use of the fast refueling and maintains fuel neutrality.

Currently, the requirement is based on the capability of a ZEV to replace ZEV range in a given time period. Staff proposes to modify the existing language to require manufacturers to submit fast refueling usage data in order to qualify for fast refueling credits. Manufacturers seeking to earn fast refueling credits will be required to submit the miles attributed to fast refueling during 12 consecutive months and the total miles driven for all vehicles of that vehicle model during the same 12 months. This requirement would not apply to manufacturers of fuel cell electric vehicles. The proposed modifications would specify a calculation for the fast refueling credits that

would make such credits proportional to the miles attributed to fast refueling as a fraction of the total miles driven of all vehicles in that vehicle model.

Staff also proposes that the data submission requirement does not apply to manufacturers of fuel cell electric vehicles, because all miles for such vehicles are attributed to fast refueling hydrogen fueling stations.

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 alternativo 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.

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.