

State of California
AIR RESOURCES BOARD

Second 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
First Public Availability of Additional Document Dates: April 3 - April 18, 2014
Second Notice of Public Availability Date: May 8, 2014
Deadline for Second Public Comment: May 23, 2014

At its October 24, 2013 public hearing, the Air Resources Board (ARB or Board) approved for adoption proposed amendments to the California Code of Regulations title 13, sections 1962.1 and 1962.2, and the associated test procedures. 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.

Staff's proposal addressed three issues:

- 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.
- 4) Amend the fast refueling definition for determining ZEV types.

Following the Board's direction at the public hearing to modify the original proposal regarding the fast refueling definition, staff provided a Notice of Public Availability of Modified Text with the modified text on April 3, 2014 (First Notice). Based on the comments received in response to the First Notice, staff is providing this Second Notice of Public Availability of Modified Text (Second Notice) to further modify the regulatory text and to solicit public comment on these latest proposed modifications.

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).

Board Resolution 13-41 approved for adoption sections 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 in the California Code of Regulations, title 13, sections 1962.1 and 1962.2, and incorporated test procedures, after making them available to the public for a comment 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 Second Notice for comment. The additional proposed changes to section 1962.1 that were subject to comment during the First 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 proposed for retraction as part of the First Notice period. Modifications for this Second Notice of modifications to the amendments are shown in **bold double underline** to indicate additions and **~~bold double strikeout~~** to indicate deletions. Text that has both **bold double underline and bold double strikeout** is additional text that staff proposed during the First Notice period but proposed for retraction as part of the Second Notice period.

Summary of Proposed Modifications

Under the current regulation, 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, than other ZEVs. At its October 2013 hearing, the Board considered proposed modifications to this fast refueling credit provision and directed staff to retain the credit but propose additional modifications as needed to ensure that the credit is based on real-world fast refueling events. Under the First Notice, staff proposed to modify the existing language to require manufacturers to submit fast refueling usage data in order to qualify for fast refueling credits. Over a 12 month period, manufacturers seeking to earn fast refueling credits would have been required to submit the miles attributed to fast refueling and total miles driven of all vehicles in the vehicle model. That requirement would not have applied to manufacturers of fuel cell electric vehicles since they already are designed for fast refueling.

In consideration of the comments received under the First Notice, staff proposes under this Second Notice to simplify the regulatory text to award a manufacturer with fast refueling credit for each fast refueling event that occurs within the eligible fleet, not to exceed the total number of fast refueling capable battery electric vehicles (BEV). For example, if 10,000 Model Year (MY) 2016 Type V vehicles were capable of fast refueling by means of battery swap, and 500 battery swap events occurred in MY2016 Type V vehicles, then 500 MY2016 Type V vehicles would be eligible to receive Type V fast refueling credits in that model year. Additional provisions are added to require documentation of fast refueling events and to limit the number of fast refueling events that can be claimed for credit by any one vehicle.

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