

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE LEV III CRITERIA  
POLLUTANT REQUIREMENTS FOR LIGHT- AND MEDIUM-DUTY VEHICLES,  
THE HYBRID ELECTRIC VEHICLE TEST PROCEDURES, AND THE HEAVY-DUTY  
OTTO-CYCLE AND HEAVY-DUTY DIESEL TEST PROCEDURES**

Public Hearing Date: October 23, 2014  
Public Availability Date: December 23, 2014  
Deadline for Public Comment: January 12, 2015

At its October 23, 2014, public hearing, the Air Resources Board (ARB or Board) approved for adoption in Resolution 14-34 amendments to sections 1900, 1956.8, 1961.2, 1962.2, 1965, 1976, and 1978, Title 13, California Code of Regulations and modifications to the documents incorporated by reference therein. The amendments incorporate elements of the federal Tier 3 program that are more stringent than LEV III or provide additional compliance flexibility without reducing or delaying progress towards achieving the benefits of LEV III.

At the hearing, the staff presented, and the Board approved for adoption, additional modified regulatory language and additional modifications to some of the incorporated test procedures, as presented in Attachment K to Board Resolution 14-34. The additional modifications include a number of changes to the original proposed amendments made in response to comments received after the Staff Report was published, and other modifications needed to correct errors in the original proposal. These modifications also include changes to the incorporated sections of the Code of Federal Regulations (CFR) to align with recent updates to the CFR published after the release of the Staff Report, clarifying changes and corrections to the dates of applicability for medium-duty LEV II categories and Supplemental Federal Test Procedure interim in-use compliance emission standards. Not all of the test procedures that included changes as part of the original amendments include additional changes as part of this 15-day notice; only the incorporated documents that include changes as part of this notice are included in Enclosure A.

The Board directed the Executive Officer to make the modified regulatory language, and any additional conforming modifications, available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and take final action to adopt the amendments after addressing all appropriate modifications, or present the amendments to the Board for

further consideration if warranted.

Resolution 14-34 and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2014/leviii2014/leviii2014.htm>

The text of the modified regulatory language is shown in Enclosure A. The originally proposed regulatory language is shown in ~~striketrough~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double striketrough~~ and double underline format, respectively. Those sections of the regulations and test procedures that contain originally proposed changes, but do not include 15-day changes are not included in Enclosure A. The justifications for all of the changes in Enclosure A are shown in Enclosure B.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all changes that are noticed. Therefore, staff will only address comments that are responsive to this notice, documents added to the record, or the changes detailed in Enclosure A.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications are primarily administrative, clarifying changes, corrections of errors, and technical corrections that do not alter the compliance responses, so no additional environmental analysis or recirculation of that analysis is required.

### **Agency Contacts**

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Sarah Carter at (626) 575-6845 or Mr. Paul Hughes at (626) 575-6977.

A summary of the proposed modifications are attached to this notice as Enclosures A and B.

### **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 alterno 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.

Enclosures

*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](http://www.arb.ca.gov).*