State of California
AIR RESOURCES BOARD

Third 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
First Public Availability Dates: December 23, 2014 – January 12, 2015
Second Public Availability Dates: June 9 - 24, 2015
Third Public Availability Date: August 6, 2015
Deadline for Third Public Comment: August 21, 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, staff presented, and the Board approved for adoption, the originally proposed amendments along with several proposed modifications, as presented in Attachment K to the resolution. The resolution directed the Executive Officer to incorporate the modifications presented in Attachment K into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text 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 present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

Following the Board's direction, staff provided a Notice of Public Availability of Modified Text with the modified text on December 23, 2014 (First Notice). Based on the comments received in response to the First Notice, staff provided a Second Notice of Public Availability of Modified Text on June 9, 2015 (Second Notice) to further modify the regulatory text and to solicit public comment on those proposed modifications. Subsequent to the close of the second 15-day comment period, staff identified a number of documents that were erroneously identified as references within the proposed new "California Non-Methane Organic Gas Test Procedures for 2017 and Subsequent Model Year Vehicles." Staff is providing this Third Notice of Public

Availability of Modified Text (Third Notice) to delete these previously identified documents because upon closer examination, staff has determined such documents do not constitute technical, theoretical, or empirical studies, reports or similar documents that the Board relied upon in approving for adoption the proposed amendments, and to solicit public comment on these latest proposed modifications.

The 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

Additional Modifications. The text of the modified test procedure language and the justifications for the changes are shown in Enclosure A. The originally proposed regulatory language is shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions. The additional proposed changes to the originally proposed language that were subject to comment during the First Notice are shown in Enclosure A in ~~double strikeout~~ and double underline format. New deletions and additions to the proposed language that were subject to comment during the Second Notice are shown in ~~*italics double strikeout*~~ and dotted underline, respectively. Supplemental modifications being made in connection with this Third Notice are shown in are shown in broken underline to indicate additions and ~~SMALL CAPS DOUBLE STRIKEOUT~~ to indicate deletions; portions of the original proposal for which no modifications are proposed, the text has been omitted and the omission indicated by [No change] or "* * * *".

Additionally, this Third Notice includes non-substantive changes to the regulatory text to correct typographical or grammatical errors, change in numbering or formatting, or revision to the language to add clarity that do not materially alter the requirements or conditions of the proposed rulemaking action. Not all such changes are individually described in Enclosure A.

In the Final Statement of Reasons, staff will respond to 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 received during this third 15-day comment period 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 modification to that environmental analysis or recirculation of that analysis is required.

These documents are available for inspection by contacting Trini Balcazar, Regulations Coordinator, at (916) 445-9564.

Agency Contacts

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

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.

CALIFORNIA AIR RESOURCES BOARD

Richard W. Corey
Executive Officer

Date: August 6, 2015

Enclosure