State of California
AIR RESOURCES BOARD

Third Notice of Public Availability of Modified Text

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

Public Hearing Dates: October 23, 2014 and May 21, 2015
First Notice of Public Availability Date: April 20, 2015
Second Notice of Public Availability Date: June 9, 2015
Third Public Availability Date: August 17, 2015
Deadline for Third Public Comment: September 1, 2015

At its October 23, 2014 public hearing, the Air Resources Board (ARB or Board) heard testimony on 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 May 30, 2014, 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 May 30, 2014. 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 2, 2014.

The Board did not adopt regulation language at the October hearing. Comments received prior to, and during, the public hearing were reflected in changes that were made to the regulatory text in a first Notice of Public Availability of Modified Text, released on April 20, 2015. Following a second public hearing on May 21, 2015, staff provided a Second Notice of Public Availability of Modified Text on June 9, 2015 (Second Notice). To correct a textual error in the Second Notice staff is providing this Third Notice of Public Availability of Modified Text (Third Notice) to describe one further change that has been made to the regulatory text. That change is described below and incorporated in the modified regulatory text shown in Attachment A to this Notice.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days in accordance with 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. The Executive Officer was directed to evaluate all comments received during

the public comment periods, including comments raising significant environmental issues, and prepare written responses to such comments as required by ARB's certified regulations at California Code of Regulations, title 17, sections 60000-60007 and Government Code section 11346.9(a).

The resolution and all regulatory documents for this rulemaking are available online at the following ARB website: http://www.arb.ca.gov/regact/2014/zev2014/zev2014.htm

Modified Text Being Made Available for Public Comment

The text of the modified regulatory language is shown in Attachment A. The originally proposed regulatory language is shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions. Deletions and additions to the proposed language that were made public with the first notice are shown in ~~double strikethrough~~ and double underline format, respectively. Deletions and additions to the proposed language that are made public with this notice are shown in **~~bold double strikethrough~~** and **bold** double underline format, respectively. The further proposed amendments subject to comment in this third "15-Day Notice" are shown in broken underline to indicate additions and ~~SMALL CAPS DOUBLE STRIKEOUT~~ to show deletions. All other portions remain unchanged and are indicated by the symbol "* * * * *" for reference.

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 Attachment A.

Summary of Proposed Modification

The Second Notice included an "Attachment B" which contained modified text for the "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 May 30, 2014 (Test Procedures). Within the Test Procedures, the definition of "TZEV" did not properly mirror the definition as written in the corresponding regulation text. Accordingly, ARB is proposing to correct the error.

In the Second Notice, Attachment B, the proposed definition of TZEV read:

"Transitional Zero Emission Vehicle" or "TZEV" means a ~~PZEV~~vehicle that meets all the criteria of subdivision C.3.2 and qualifies for ~~has~~ an allowance in subdivision C.3.3(a) **and (e)**~~of 1.0 or greater, and makes use of a ZEV fuel~~.

In this **Third 15-day notice** the proposed language it is now modified to read:

"Transitional Zero Emission Vehicle" or "TZEV" means a ~~PZEV~~vehicle that meets all the criteria of subdivision C.3.2 and qualifies for ~~has~~ an allowance in subdivision C.3.3(a) ~~AND~~ **or (e)**~~of 1.0 or greater, and makes use of a ZEV fuel~~.

This modification does not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report. It is primarily corrective or clarifying in nature, and required for consistency. As this modification does not alter the compliance responses, no additional environmental analysis or recirculation of the analysis is required.

ARB also does not expect an increase in costs as a result of this change. It does not materially alter the requirements or conditions of the proposed rulemaking action.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Mark Williams at (916) 327.5610 or Elise Keddie at (916) 323.8974.

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

for
Richard W. Corey
Executive Officer

Date: 8/17/15

Attachement