State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

Proposed Amendments to the Heavy-Duty Vehicle Inspection Program and the Periodic Smoke Inspection Program

Public Hearing Date: July 26, 2018[1]
First Public Availability Dates: September 11, 2018 - September 26, 2018
Second Public Availability Date: December 12, 2018
Deadline for Public Comment: December 27, 2018

At its July 26, 2018, public hearing, the California Air Resources Board (CARB or Board) approved for adoption the proposed amendments to Title 13, California Code of Regulations, sections 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2190, 2191, 2192, 2193, 2194, and 2195, which describe the Heavy-Duty Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP) regulations.

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 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.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

https://www.arb.ca.gov/regact/2018/hdvippsip18/hdvippsip18.htm

As a result, on September 11, 2018, the First Notice of Public Availability of Modified Text and Availability of Additional Documents (First 15-Day Change Notice) was issued. The public comment period for the First 15-Day Change Notice ended September 26, 2018. Additional modifications to the regulatory text are being proposed in this Second Notice of Public Availability of Modified Text and Additional Documents and Information (Second 15-Day Change Notice). 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 <u>underline</u> to indicate additions. The

1 This item was originally heard by the Board in May 2018. At the July hearing, the Board revoked its May order and approved a revised resolution.

proposed amendments subject to comment under the First 15-Day Notice of Modifications released on September 11, 2018, are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. New deletions and additions to the proposed language that are made public with this Second 15-Day Change Notice are shown in **~~bold double strikethrough~~** and **bold double underline** format, respectively. Text that has both **bold double underline** and **~~bold double strikethrough~~** is additional text that staff proposed during the First 15-Day Change Notice period but is now proposed for retraction under this Second 15-Day Change Notice. Various portions of the regulations that are not modified by the proposed amendments are omitted from the text shown and indicated by " * * * * * ."

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 noticed changes. Therefore, staff will only address comments received during this second 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 Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. Staff is proposing to amend section 2190(a) on applicability to correct a typographical error on the minimum gross vehicle weight rating of vehicles subject to the adopted regulation.
2. Staff is proposing to amend section 2192(b)(2) on post-repair requirements to improve clarity.
3. Staff is proposing to delete section 2193(c) that would have required the seller to provide evidence of a successful smoke opacity test to the new owner within 90 days of a vehicle sale. PSIP generally is based on an assumption that annual smoke testing is sufficient to demonstrate vehicles are well-maintained. The proposed requirement to require an additional test upon sale would have frequently required more than one test per 12-month period for vehicles that are sold, which would be inconsistent with the assumption that annual testing is sufficient.
4. Staff is proposing to amend section 2193(e)(1) to clarify which OBD fault codes would constitute a failed test for vehicles complying through the OBD submission alternative. This change is necessary to ensure the fleet owners know what constitutes a successful OBD submittal and what constitutes a failed OBD submittal. Note, that this was previously section 2193(f)(3) in the originally released regulatory language and first 15-day change notice. However, section 2193(c) has been removed, so section 2193(f) has now become section 2193(e).
5. Staff is proposing to delete section 2193(e)(3) because that provision applies to previously proposed language in section 2192(e)(2) on reporting requirements,

which is now proposed to be deleted (as discussed further below under 8.), hence section 2193(e)(3) is no longer needed.

6. Staff is proposing to amend the owner and vehicle information required to be submitted by the owner during the voluntary OBD data submission process and move to sections 2193(f)(1) and 2193(f)(2). This owner and vehicle information would ensure that staff has adequate information on who is submitting the OBD data and to which vehicle the data pertains. Similar information is required to be kept in owner records regarding periodic opacity testing.
7. Staff is proposing to move the OBD data submittal requirements to section 2193(f)(3). These OBD data submittal requirements are for fleets choosing to use this alternative in lieu of complying with the annual smoke opacity testing requirements. The OBD information submittal requirements were previously proposed for inclusion in section 2195(e), which is now proposed for deletion. Staff is also clarifying what OBD parameters are required to be submitted to make it more clear to vehicle owners choosing this alternative.
8. Staff is proposing to delete section 2195 that would have required annual reporting of smoke opacity test data, along with owner and vehicle information. While the provision would have resulted in some increased compliance by fleets that heretofore have not complied with PSIP, based on comments received, staff agreed to remove the reporting requirement for now.
9. Staff is also making other non-substantive revisions to correct for typographical errors and section numbering due to the aforementioned proposed amendments.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Robert Nguyen, Staff Air Pollution Specialist, Strategic Planning and Development Section, at (916) 327-2939, or to Krista Fregoso, Air Pollution Specialist, Strategic Planning and Development Section, at (916) 445-5035.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 p.m. on the due date to the following:

Postal mail: Clerk of the Board, California 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 CARB in one of the two forms described above and received by CARB 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: December 12, 2018

Attachment

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 CARB's website at www.CARB.ca.gov.