

APPENDIX A - PROPOSED REGULATION ORDER

Amendments to Sections 1961.2 and 1961.3, Title 13, California Code of Regulations

Set forth below are the proposed amendments to title 13 of the California Code of Regulations (CCR). Amendments to existing section proposed and subject to comment in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Amendments to these regulations that were approved by the Board on February 8, 2018 [HD GHG Phase 2] as part of the “Rulemaking to Consider Proposed California Greenhouse Gas (GHG) Emissions Standards for Medium- and Heavy-Duty Engines and Vehicles and Proposed Amendments to the Tractor-Trailer GHG Regulation,” but which have not yet been approved by the Office of Administrative Law are indicated in dotted underline to indicate additions and ~~italics double strikeout~~ to indicate deletions. The dotted underline and ~~italics double strikeout~~ text is presented for context and completeness only and is not subject to comment in this proposal. Subsections for which no changes are proposed in this rulemaking are indicated with “* *”

TABLE OF CONTENTS

Section	Page No.
1. Section 1961.2	2
2. Section 1961.3	3

1. Amend title 13, CCR, section 1961.2 to read as follows:

§ 1961.2. Exhaust Emission Standards and Test Procedures - 2015 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

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(d) *Test Procedures.* The certification requirements and test procedures for determining compliance with the emission standards in this section are set forth in the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended ~~September 2, 2015~~ [INSERT DATE OF AMENDMENT FOR HD GHG Phase 2] [INSERT DATE OF AMENDMENT], the “California Non-Methane Organic Gas Test Procedures for 1993 through 2016 Model Year Vehicles,” as amended September 2, 2015, and the “California Non-Methane Organic Gas Test Procedures for 2017 and Subsequent Model Year Vehicles,” as adopted September 2, 2015, which are incorporated herein by reference. In the case of hybrid electric vehicles and on-board fuel-fired heaters, the certification requirements and test procedures for determining compliance with the emission standards in this section are set forth in the “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,” incorporated by reference in section 1962.1, and 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,” incorporated by reference in section 1962.2.

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Note: Authority cited: Sections 39500, 39600, 39601, 43013, 43018, 43101, 43104, 43105 and 43106, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204 and 43205, Health and Safety Code.

2. Amend title 13, CCR, section 1961.3 to read as follows:

§ 1961.3. Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.

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(c) *Optional Compliance with the 2017 through 2025 MY National Greenhouse Gas Program.*

The optional compliance approach provided by this section 1961.3 (c) shall not be available for 2021 through 2025 model year passenger cars, light-duty trucks, and medium-duty passenger vehicles if the “2017 through 2025 MY National Greenhouse Gas Program” is altered via a final rule published in the Federal Register subsequent to October 25, 2016.

* * * *

(f) Definitions Specific to this Section. The following definitions apply to this section 1961.3:

* * * *

(25) “2017 through 2025 MY National Greenhouse Gas Program” means the national program that applies to new 2017 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, except as follows:

For model years 2021 through 2025, the “2017 through 2025 MY National Greenhouse Gas Program” means the national program that applies to new 2021 through 2025 model year passenger cars, light-duty-trucks, and medium-duty passenger vehicles as adopted by the U.S. Environmental Protection Agency as codified in 40 CFR Part 86, Subpart S, as last amended on October 25, 2016 that incorporates CFR sections §86.1818-12 (October 25, 2016), §86.1865-12 (October 25, 2016), §86.1866-12 (October 25, 2016), §86.1867-12 (October 25, 2016), §86.1868-12 (October 25, 2016), §86.1869-12 (October 25, 2016), §86.1870-12 (October 25, 2016), and §86.1871-12 (October 25, 2016).

* * * *

(g) Severability. Each provision of this section is severable, and in the event that any provision of this section is held to be invalid, the remainder of both this section and this article remains in full force and effect.

Note: Authority cited: Sections 38550, 38566, 39500, 39600, 39601, 43013, 43018, 43018.5, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, ~~43204, 43205~~ and 43211, Health and Safety Code.