

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and Availability
of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE VOLUNTARY
ACCELERATED VEHICLE RETIREMENT REGULATIONS REGARDING ELIGIBILITY
REQUIREMENTS AND PARTS RECYCLING

Public Hearing Date: February 21, 2002
Public Availability Date: June 25, 2002
Deadline for Public Comment: July 12, 2002

At a public hearing held February 21, 2002, the Air Resources Board (ARB or Board) considered adoption of amendments to sections 2602, 2603, 2604, 2606, 2607, 2608, 2609 and 2610, of title 13, California Code of Regulations (CCR), and the adoption of section 2011 and Appendices C and D, the ARB Voluntary Accelerated Vehicle Retirement (VAVR) regulations.

The amendments would make two sets of changes to the ARB regulations: (1) Amend the ARB VAVR regulations to match the Bureau of Automotive Repair regulations with only two exceptions; i.e., maintain a requirement to drive in reverse and require continuous registration for 120 days prior to retirement; and (2) Amend the ARB VAVR regulations to allow parts recovery for non-emission-related and non-drive train parts. The amendments were described in detail in the Staff Report (Initial Statement of Reasons for Proposed Rulemaking) released on November 30, 2001.

The Board's action. At the hearing, the Board adopted Resolution 02-4 (A copy of the adopted resolution is attached hereto as Attachment I) approving the amendments with the stipulation that staff perform additional public outreach to explore alternatives to the 7-day waiting period specified in title 13 CCR section 2605 of the ARB VAVR regulations and to modify the regulatory language in response to comments received in this public outreach as the staff deems appropriate. In addition, the Board requested that the Executive Officer report back to the Board on the results of this outreach and the final language of the amended regulations after it has been adopted.

In response to the Board's direction, staff held a workshop on March 20, 2002, in El Monte, California. The workshop was attended by the interested parties, including dismantlers, local district representatives, classic car collectors and after-market parts manufacturers. These participants unanimously agreed on a revised version of Section 2605 (A copy of the Proposed Regulation Order containing the proposed revision is attached hereto as

Attachment II). In summary, the proposed revision would extend the 7-day waiting period to 10 days, and if any interested party expressed an interest in a vehicle, the period would be extended another 7 days to allow the party to inspect and possibly purchase the vehicle. The Board's Resolution 02-4 is appended to this notice as Attachment I, and the Proposed Regulation Order is appended to this Notice as Attachment II. Within the resolution, the Board directed the Executive Officer to adopt the proposed regulations after making available for public comment all changes specifically directed by the Board and any other necessary changes to the regulatory language as originally proposed in the Staff Report released on November 30, 2001. The Board further directed that the Executive Officer make available for comment any additional supporting documents and information relied upon by the ARB in adopting these regulations. The modifications specifically directed by the Board prior to adopting the Resolution are summarized above. All proposed modifications to title 13 CCR section 2605 are set forth in detail in Attachment II. Additions to the originally proposed language are shown in double underline and deletions are shown in double strikeout.

The ARB is also adding the following document to the rulemaking record. The ARB staff relied upon this document in adopting the amendments to the VAVR regulations: See Attachment III, "Owyang Proposal for Alternate to Seven Day Waiting Period."

All of the aforementioned attachments may be obtained from the Internet at the address below: <http://www.arb.ca.gov/regact/vavr/vavr.htm>

Comments and subsequent action. In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the proposed amendments to title 13 CCR section 2605 after making them available to the public for a supplemental written comment period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal Mail to be sent to:

Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: vavr@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the forms described above and received by the ARB by 5:00 p.m. on the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations, or the document being added to the rulemaking record will be considered by the Executive Officer.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA coordinator at (916) 323-4916.

Persons with hearing or speech impairments can contact us by using our Telephone Device for the Deaf (TDD) at (916) 324-9531 or (800) 700-8326 for TDD calls from outside the Sacramento area.

Attachments