

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO REPEAL
THE 2007 AMENDMENTS TO CALIFORNIA'S EMISSION WARRANTY
INFORMATION REPORTING AND RECALL REGULATIONS
(EWIR REGULATIONS) AND EMISSION TEST PROCEDURES AND READOPT
THE PRIOR EWIR REGULATIONS AND EMISSION TEST PROCEDURES

Public Hearing Date: November 19, 2009

Public Availability Date: January 25 2010

Deadline for Public Comment: February 9, 2010

The Originally Proposed Amendments

The Air Resources Board (ARB or the Board) administers regulations that establish procedures for reporting emission warranty information and requiring corrective action for emission component failures. At the November 19, 2009 Board hearing, the Board considered the repeal of amendments to the EWIR regulations that were adopted in 2007 and the re-adoption of the original 1988 Board adopted EWIR program.

The following sections of California Code of Regulations (CCR) and related test procedures are affected by the staff's proposal: Amendments to sections 1956.8, 1958, 1961, 1976, 1978, 2111, 2112, 2122, 2136, 2141, title 13, CCR and the following related test procedures which are incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted August 5, 1999, and as last amended May 2, 2008, "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles," adopted December 12, 2002, and as last amended October 14, 2008, "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto Cycle Engines," adopted December 27, 2000, and as last amended October 17, 2007, "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," adopted August 5, 1999, and as last amended October 17, 2007, "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," adopted August 5, 1999, and as last amended October 17, 2007, and repeal of sections 2166, 2166.1, 2167, 2168, 2169, 2170, 2171, 2172, 2172.1, 2172.2, 2172.3, 2172.4, 2172.5, 2172.6, 2172.7, 2172.8, 2172.9, 2173, and 2174.

The proposed amendments were described in detail in the Staff Report: Initial Statement of Reasons for Proposed Rulemaking for Amendments to Repeal the

2007 Amendments to California's Emission Warranty Information Reporting and Recall Regulations (EWIR Regulations) and Emission Test Procedures and Readopt The Prior EWIR Regulations and Emission Test Procedures (Staff Report) published on October 2, 2009.

The Board's Action

At the November 19, 2009 hearing, the Board considered the staff report and 15 day changes as part of its consent calendar. The amendments and changes were unanimously approved by the Board as part of Resolution 09-54 (Appendix I). Attachment A of Resolution 09-54 contains the amendments as originally proposed while Attachment B of Resolution 09-54 contains the modifications staff suggested and posted in the Board's Consent Calendar (Consent Item# 09-9-5). Resolution 09-54, and its attachments are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/ewirpsip09/ewirpsip09.htm>.

Resolution 09-54 directed the Executive Officer to incorporate the modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified regulatory language available for a supplemental comment period of 15 days.

Summary of Proposed Modifications

Staff's original proposal inadvertently included incorrect language to be deleted in the "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles." The incorrect language which is now being deleted is indicated by ~~double-strikeout~~. The modified regulatory language is attached as Appendix II. The correct 2007 amendment language that was supposed to be repealed is now shown as ~~**bold double-strikeout**~~. Staff has made no other modifications to the regulation and test procedures.

In accordance with section 11346.8 of the Government Code, in Resolution 09-54, the Board directed the Executive Officer to adopt sections 1956.8, 1958, 1961, 1976, 1978, 2111, 2112, 2122, 2136, 2141, 2166-2174, title 13, CCR and the incorporated test procedures documents, after making them available to the public for comment for a 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 modifications approved by the Board may be submitted by postal mail or electronic mail 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 oral 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. Additionally, this information may become available via Google, Yahoo, and any other search engines.

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 (i.e., Braille, large print, etc.) 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.

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Appendices (2)

I – Resolution 09-54

II – Staff’s Modifications to the Proposed Test Procedures

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 ARB’s website at www.arb.ca.gov.