TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER TECHNICAL STATUS AND PROPOSED REVISIONS TO ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS AND ASSOCIATED ENFORCEMENT PROVISIONS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES AND ENGINES

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption proposed amendments to California's On-Board Diagnostic System Requirements (OBDII) and associated enforcement provisions for passenger cars, light-duty trucks, and medium-duty vehicles and engines. The Board will consider amendments to the OBD II regulations to account for Low Emission Vehicle III applications, to update the monitoring requirements for gasoline and diesel vehicles and engines, and to clarify and improve the regulation where necessary, among other revisions.

DATE: September 24, 2015

TIME: 9:00 a.m.

PLACE: South Coast Air Quality Management District
Auditorium
21865 Copley Drive
Diamond Bar, California 91765

This item may be considered at a two day meeting of the Board, which will commence at 9:00 a.m., September 24, 2015, and may continue at 8:30 a.m., on September 25, 2015. This item may not be considered until September 25, 2015. Please consult the agenda for the meeting, which will be available at least 10 days before September 24, 2015, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE SECTION 11346.5(a)(3)

Sections Affected: Proposed amendments to California Code of Regulations (CCR), title 13, sections 1900, 1968.2, and 1968.5, and these documents incorporated by reference.

Documents Incorporated by Reference:

These documents would be incorporated in the regulation by reference as specified by section:

1. "Emissions-Related Parts List," June 1, 1990, section 1900(b)(6);

2. "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 last amended December 6, 2012, section 1968.2(c) and 1968.2(h)(6.2);

3. "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, section 1968.2(c);

4. International Organization for Standardization (ISO) 15765-4:"Road Vehicles – Diagnostics Communications over Controller Area Network (DoCAN) – Part 4: Requirements for emission-related systems," February 2011, section 1968.2(g)(1.9);

5. ISO 15765-4:"Road Vehicles – Diagnostics Communications over Controller Area Network (DoCAN) – Part 4: Requirements for emission-related systems – Amendment 1," February 2013, section 1968.2(g)(1.9.1);

6. ISO 26262-5 "Road vehicles – Functional Safety – Part 5: Product development at the hardware level," November 2011, section 1968.2(g)(1.13);

7. SAE International (SAE) J1699-3 – "Vehicle OBD II Compliance Test Cases," May 2012, section 1968.2(g)(1.11);

8. SAE 1850 "Class B Data Communications Network Interface," June 2006, section 1968.2(g)(1.5);

9. SAE J1930-DA "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms Web Tool Spreadsheet," March 2014, section 1968.2(g)(1.1.1);

10. SAE J1962 "Diagnostic Connector – Equivalent to ISO/DIS 15031-3: December 14, 2001," July 2012, section 1968.2(g)(1.2);

11. SAE J1979 "E/E Diagnostic Test Modes," August 2014, section 1968.2(g)(1.4);

12. SAE J1979-DA "Digital Annex of E/E Diagnostic Test Modes," June 2014, section 1968.2(g)(1.4.1);

13. SAE J2012 "Diagnostic Trouble Code Definitions," March 2013, section 1968.2(g)(1.6);

14. SAE J2012-DA "Digital Annex of Diagnostic Trouble Code Definitions and Failure Type Byte Definitions," January 2013, section 1968.2(g)(1.6.1);

15. SAE J1939 "Recommended Practice for a Serial Control and Communications Vehicle Network," August 2013, section 1968.2(g)(1.10.1);

16. SAE J1939-01 "On-Highway Equipment Control and Communications Network," November 2012, section 1968.2(g)(1.10.2);

17. SAE J1939-11 "Physical Layer, 250K bits/s, Twisted Shielded Pair," September 2012, section 1968.2(g)(1.10.3);

18. SAE J1939-13 "Off-Board Diagnostic Connector," October 2011, section 1968.2(g)(1.10.4);

19. SAE J1939-15 "Reduced Physical Layer, 250K bits/sec, UN-Shielded Twisted Pair (UTP)," May 2014, section 1968.2(g)(1.10.5);

20. SAE J1939-21 "Data Link Layer," December 2010, section 1968.2(g)(1.10.6);

21. SAE J1939-31 "Network Layer," April 2014, section 1968.2(g)(1.10.7);

22. SAE J1939-71 "Vehicle Application Layer," April 2014, section 1968.2(g)(1.10.8);

23. SAE J1939-73 "Application Layer – Diagnostics," July 2013, section 1968.2(g)(1.10.9);

24. SAE J1939-81 "Network Management," June 2011, section 1968.2(g)(1.10.10); and

25. SAE J1939-84 "OBD Communications Compliance Test Cases For Heavy Duty Components and Vehicles," February 2015, section 1968.2(g)(1.10.11).

Background and Effect of the Proposed Rulemaking:

OBD II systems serve an important role in helping to ensure that engines and vehicles maintain low emissions throughout their full lives. OBD II systems monitor virtually all emission controls on gasoline and diesel engines, including catalysts, particulate matter (PM) filters, exhaust gas recirculation systems, oxygen sensors, evaporative systems, fuel systems, and electronic powertrain components, and other components and systems that can affect emissions when malfunctioning. The systems also provide specific diagnostic information in a standardized format through a standardized serial data link on-board the vehicles. The use and operation of OBD II systems ensure reductions of in-use motor vehicle and motor vehicle engine emissions through improvements in emission system durability and performance.

The Board originally adopted comprehensive OBD regulations in 1990, requiring all 1996 and newer model year passenger cars, light-duty trucks, and medium-duty vehicles and engines to have OBD II systems. The Board subsequently updated the

OBD requirements in 2002 with the adoption of California Code of Regulations, title 13, sections 1968.2 and 1968.5, which established OBD II requirements and enforcement requirements for 2004 and subsequent model year vehicles. The Board has modified the OBD II regulation in several updates since initial adoption to address manufacturers' implementation concerns and, where needed, to strengthen specific monitoring requirements. The Board last adopted updates to the OBD II requirements in 2012 and 2013 to address several concerns and issues regarding the regulation (CCR, title 13, §1968.2) and enforcement requirements (CCR, title 13, §1968.5).

Objectives and Benefits of the Proposed Regulatory Action:

The OBD II regulation reduces motor vehicle and motor vehicle engine emissions by establishing emission standards and other requirements for OBD II systems installed on passenger cars, light-duty trucks, and medium-duty vehicles and engines certified for sale in California. The OBD II systems, through an onboard computer(s), monitor emission systems in-use for the actual life of the vehicle or engine, detect malfunctions of monitored emission systems, illuminate a malfunction indicator light (MIL) to notify the vehicle operator of detected malfunctions, and store fault codes identifying the detected malfunctions. The use and operation of OBD II systems ensure reductions of in-use motor vehicle and motor vehicle engine emissions through improvements in emission system durability and performance.

In adopting the OBD II regulation, the Board directed the staff to monitor manufacturers' progress towards meeting the regulation's requirements and to report back should modifications to the requirements be deemed appropriate. Since then, staff has met with stakeholders in several teleconferences and face-to-face meetings, including a public workshop in October 2014, where staff and manufacturers identified areas in which modifications to the OBD II regulation would be beneficial.

The proposed amendments to the OBD II regulation include:

- Adding definitions for "emissions neutral diagnostic," "emissions neutral default action," "safety-only component or system," and "smart device," and revising the monitoring requirements
- Revising the requirements for default modes of operation to clarify the conditions under which manufacturers are exempt from illuminating the MIL
- Proposing more stringent in-use monitoring performance requirements for the PM filter monitor on light-duty diesel vehicles
- Proposing emission malfunction thresholds for Low Emission Vehicle III (LEV III) applications, including revisions to the direct ozone reduction system requirements and proposed PM thresholds for gasoline vehicles
- Specifying more detailed monitoring requirements for hybrid vehicles
- Revising the gasoline misfire monitoring requirements for plug-in electric hybrid vehicles to no longer require emission threshold-based malfunction criteria
- Relaxing the interim malfunction thresholds for gasoline air-fuel ratio cylinder imbalance monitoring

- Revising the gasoline evaporative system purge flow monitoring requirements for purging on the high-load purge lines and proposing relaxed in-use monitoring performance requirements for the monitor
- Revising the gasoline and diesel crankcase ventilation system monitoring requirements
- Revising the requirements for light-duty and medium-duty chassis-certified diesel vehicles, including revising the diesel misfire monitoring requirements to no longer require emission threshold-based malfunction criteria and to require expanded monitoring conditions
- Revising the gasoline and diesel cooling system monitoring requirements to clarify when monitor enablement can occur
- Revising the criteria that manufacturers must meet to be exempt from monitoring certain comprehensive components
- Updating the SAE and ISO document references
- Revising the readiness status requirements to clarify which monitors are to be included in determining readiness
- Adding data stream parameters required to be reported
- Clarifying the calibration verification number requirements
- Revising the certification demonstration testing requirements to clarify how to perform the testing for gasoline air-fuel ratio cylinder imbalance monitoring and exhaust gas sensor monitoring, to add testing requirements for the evaporative system monitor, to specify additional data required to be collected during testing, and to clarify the test requirements for catalyst faults and other faults where default actions are taken
- Adding items required to be submitted as part of the certification application

Staff is also proposing amendments to the OBD II enforcement regulation (CCR, title 13, §1968.5) to align with the proposed changes to the OBD II regulation, including revisions to the mandatory recall provisions for the air-fuel ratio cylinder imbalance monitor for gasoline vehicles, the misfire monitor for plug-in hybrid electric vehicles, and the misfire and PM filter monitors for light-duty diesel vehicles.

Finally, the staff is also proposing amendments CCR, title 13, section 1900, specifically to the definition of "emissions-related part." CCR, title 13, section 1900(b)(6) defines "emissions-related part" as "any automotive part, which affects any regulated emissions from a motor vehicles which is subject to California or federal emission standards. This includes, at a minimum, those parts specified in the 'Emissions-Related Parts List,' adopted by the State Board on November 4, 1977, as last amended May 19, 1981." Although the "Emissions-Related Parts List" was updated on June 1, 1990, section 1900(b)(6) was never revised to incorporate the updated version of the "Emissions-Related Parts List." Staff is proposing to modify the definition of "Emissions-related part" in section 1900(b)(6) to incorporate the version of the "Emissions-Related Parts List" as last amended June 1, 1990. The definition of "emissions-related part" refers to motor vehicles subject to California or federal emissions standards. The definition of the term "emission standard" that applies to all on-road motor vehicles and motor vehicle engines is set forth in CCR, title 13, section 1900(b)(3), and CCR, title 13,

sections 1900(b)(4) and (b)(5) define the terms "evaporative emission standards" and "exhaust emission standards" as subcategories of emission standards.

The terms "emission standard", "evaporative emission standard" and "exhaust emission standard" are also set forth in provisions that are specifically applicable to heavy-duty motor vehicle engines and heavy-duty vehicles in CCR, title 13, sections1956.8(i)(2)-(4), 2485(h)(7)-(9), and CCR, title 17, section 95302(a)(19.1)-(19.3). CCR, title 13, sections 1968.2(c) and 1971.1(c) define "emission standard", "evaporative emission standard" and "exhaust emission standard" in the OBD II regulation and the heavy-duty OBD (HD OBD) regulation, respectively.

The proposed OBD II amendments will provide manufacturers with greater compliance flexibility, and strengthen and clarify the performance requirements they are expected to meet in designing and developing robust OBD II systems. This will encourage manufacturers to design and build more durable engines and emission-related components, all of which will help ensure that forecasted emission reduction benefits from adopted light-and medium-duty vehicle emission control programs are achieved in-use. Ultimately, the proposed action will further the goal of ARB which is to promote and protect public health, welfare and ecological resources through the effective and efficient reduction of air pollutants, and provide safe, clean air to Californians.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During developing the proposed regulatory action, ARB has searched any similar regulations on this topic and has concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

MANDATED BY FEDERAL LAW OR REGULATIONS

The federal Clean Air Act establishes ambient air quality standards that states must achieve by specific dates. The Clean Air Act does not mandate specific requirements that states must adopt but instead provides states with discretion on how to achieve these emission reductions. The OBD amendments set forth here have been determined by the California legislature and ARB as a necessary and important part of California's emission reduction program to achieve the federal objectives.

COMPARABLE FEDERAL REGULATIONS

In February 1993, the U.S. EPA promulgated OBD requirements for federally certified light-duty vehicles and trucks. (40 CFR Part 86, §§ 86.094-2, 86.094-17, 86.094-18(a), 86.094-21(h), 86.094-25(d), 86.094-30(f), 86.094-35(l), 86.095-30(f), 86.095-35(l); see 58 Fed.Reg. 9468-9488 (February 19, 1993).) These requirements were later amended to require OBD systems on medium-duty vehicles by the 2008 model year. The final rule with the latest modifications of the requirements was published on February 24, 2009. A central part of the federal regulation is that, for federal certification of vehicles, U.S. EPA will deem California-certified OBD II systems to comply with the federal regulations.

In Health and Safety Code sections 43013, 43018, and 43101, the Legislature directed ARB to adopt emission standards for new motor vehicles that are necessary and technologically feasible and to endeavor to achieve the maximum emission reduction possible from vehicular and other mobile sources to accomplish the attainment of the State standards at the earliest practicable date. ARB initially adopted the OBD II regulations to meet those legislative directives. The OBD II regulation was first adopted in 1990. On October 3, 1996, the U.S. EPA granted California's request for a waiver regarding the OBD II regulation, as last amended in December 1994,[1] recognizing that the OBD II regulation is at least as stringent in protecting public health and welfare as the federal regulation, and that unique circumstances exist in California necessitating the need for the State's own motor vehicle regulations program.

In 2014, the U.S. EPA adopted regulations that establish more stringent emission standards for 2017 and subsequent model year light duty vehicles, light-duty trucks, medium-duty passenger vehicles, and complete heavy-duty vehicles between 8,501 and 14,000 lbs GVWR, and that additionally limit the sulfur content in gasoline: "Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards; Final Rule" (EPA Tier 3 regulation), 79 Federal Register 23414 (April 28, 2014). The EPA Tier 3 regulation largely harmonizes federal emission standards for the regulated categories of vehicles with the corresponding California emission standards in California's LEV III program.[2]

The EPA Tier 3 regulation also includes provisions that generally align federal OBD requirements for 2017 and subsequent model year light duty vehicles, light-duty trucks, medium-duty passenger vehicles, and complete heavy-duty vehicles between 8,501 and 14,000 lbs GVWR with ARB's California OBD II regulation, as last amended in 2013.[3] The amended federal OBD requirements differ from corresponding California OBD requirements in several minor respects, but notably retain the provision that allows the U.S. EPA to deem California-certified OBD II systems to comply with the federal OBD regulation.

Although the amended federal OBD regulation generally harmonizes federal and California OBD requirements, the OBD II regulation still establishes more comprehensive and stringent requirements than the amended federal regulation. For instance, the OBD II regulation requires earlier compliance with monitoring requirements compared to the amended federal regulation. The OBD II regulation requires OBD systems in medium-duty diesel vehicles and engines to detect PM filter performance faults before emissions exceed 0.03 g/bhp-hr beginning in the 2013 model year, but allow specific failure modes to be excluded until the 2015 model year.[4] The amended federal OBD regulation requires federal OBD systems to detect PM filter

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[1] *California State Motor Vehicle Pollution Control Standards; Waiver of Federal Preemption; Decision,* dated October 3, 1996, 61 Fed.Reg. 53371 (October 11, 1996).

[2] EPA issued California a waiver for the LEV III emission standards in 2013. 78 Fed. Reg. 2112 (Jan. 9, 2013).

[3] ARB most recently adopted amendments to the OBD II regulation on June 26, 2013, and those amendments became operative under state law on July 31, 2013.

[4] 13 CCR 1968.2(f)(9.2.1)

performance faults at these same levels beginning in the 2019 model year, so California OBD systems must detect PM filter monitoring faults (without excluding specific failure modes) at least three model years earlier than federal OBD systems.

The 2015 amendments to the OBD II requirements will further establish the stringency of the California OBD II requirements to federal requirements. The 2015 amendments continue California's efforts to require more comprehensive and robust monitoring of emission-related components and systems than required by federal OBD regulation. The amendments also incorporate some new requirements adopted in the U.S. EPA Tier 3 regulation, including requiring demonstration testing of the evaporative system 0.020-inch leak monitor and storing a data stream parameter related to the distance traveled since the last successful completion of that monitor. More details about the comparison between the California OBD II requirements and the federal OBD requirements can be found in the ISOR.

Historically, virtually every vehicle sold in the U.S. is designed and certified to California's OBD II requirements in lieu of the federal OBD requirements.

STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) as required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intending to reduce emissions of air pollutants to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA under the CAA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Technical Status and Proposed Revisions to On-Board Diagnostic System Requirements and Associated Enforcement Provisions for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles and Engines (OBD II).

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on August 4, 2015.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons
Inquiries concerning the substance of the proposed regulatory action may be directed to the designated agency contact persons, Leela Rao, Manager, On-Board Diagnostics Program Development Section, at (626) 350-6469 or Adriane Chiu (back-up contact), Air Resources Engineer, On-Board Diagnostics Program Development Section, at (626) 350-6453.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Sadie Macali, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all of the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access
This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at http://www.arb.ca.gov/regact/2015/obdii2015/obdii2015.htm

DISCLOSURES REGARDING THE PROPOSED REGULATION
The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Fiscal Impact / Local Mandate
Under Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would cause some additional costs to ARB and would not create costs or savings to any other State agency or in federal funding to the State, costs or mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete
The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Cost Impacts on Representative Private Persons or Businesses
In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The proposed revisions to the regulations consist primarily of updating and clarifications of existing requirements. The only changes expected to affect costs involve the addition of more stringent monitoring requirements for the crankcase ventilation systems on gasoline and diesel vehicles and adding new demonstration testing requirements for the air-fuel ratio cylinder imbalance monitor and cold start emission reduction strategy monitor on

gasoline vehicles. For the proposed changes, the incremental cost to light-duty and medium-duty manufacturers was estimated to be $5.11 per vehicle. These costs are likely to be passed on to the consumer. The overall incremental cost to a consumer was estimated to be $5.43 per vehicle which when compared to the $34,367 average price of a typical new vehicle[5] represents a price increase of less than 0.02 percent. More details of this analysis are set forth in the ISOR.

Results of the Economic Impact Assessment Prepared Under Government Code Section 11346.3(b)

Effect on Jobs/Businesses:
The Executive Officer has determined that the proposed regulatory action would have minor or no impact on the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation:
The objective of the proposed amendments to the regulations is to strengthen the OBD II requirements, provide manufacturers with greater compliance flexibility, and clarify the performance requirements they are expected to meet in designing and developing robust OBD II systems. This will encourage manufacturers to design and build more durable engines and emission-related components, all of which will help ensure that forecasted emission reduction benefits from adopted light- and medium-duty vehicle emission control programs are achieved in-use.

A summary of these benefits is provided, please refer to "Objectives and Benefits," under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code Section 11346.5(a)(3) discussion on page 4.

Effect on Small Business
The Executive Officer has also determined, under California Code of Regulations, title 1, section 4, that the proposed regulatory action may affect small businesses. There is estimated to be one light-duty vehicle manufacturer that may be a "small business." The light-duty vehicle manufacturer is not in California. The impact to the small light-duty vehicle manufacturer is expected to be similar as for the large manufacturers since the small manufacturer purchases California-certified vehicles from a large manufacturer which it then modifies. The small manufacturer is likely to pass on the incremental costs to consumer.

Housing Costs
The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

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[5] https://www.nada.org/nadadata/, Annual Financial Profile of America's Franchised New-Car Dealerships 2014, May 15, 2015.

Business Reports
Under Government Code sections 11346.3(d) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

Alternatives
Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. ARB staff considered alternatives to the proposed amendments, as described in Section VI of the ISOR.

Environmental Analysis
ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded this is exempt under CEQA Guidelines §15308 – Actions Taken by Regulatory Agencies for Protection of the Environment. A brief explanation of the basis for reaching this conclusion is included in Section III of the ISOR.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS
Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on Friday, August 7, 2015. To be considered by the Board, written comments not physically submitted, must be submitted on or after Friday, August 7, 2015 and received **by 5:00 pm on Monday, September 21, 2015**, and must be addressed to :

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

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.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention

of staff before the hearing any suggestions for modification of the proposed regulatory action.

The Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 38501, 38505, 38510, 39010, 39500, 39600, 39601, 39602.5, 40000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43104, 43105, 43105.5, and 43106; and *Engine Manufacturers Association v. California Air Resources Board* (2014) 231 Cal.App.4th 1022. This action is proposed to implement, interpret and make specific sections 38501, 38505, 38510, 39002, 39003, 39010, 39018, 39021.5, 39024, 39024.5, 39027, 39027.3, 39028, 39029, 39031, 39032, 39032.5, 39033, 39035, 39037.05, 39037.5, 39038, 39039, 39040, 39042, 39042.5, 39046, 39047, 39053, 39054, 39058, 39059, 39060, 39515, 39600, 39601, 39602.5, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150, 43151, 43152, 43153, 43154, 43155, 43156, 43204, 43211, and 43212 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted under the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; the full regulatory text, with the modifications clearly indicated, will be provided to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;

- A disability-related reasonable accommodation.

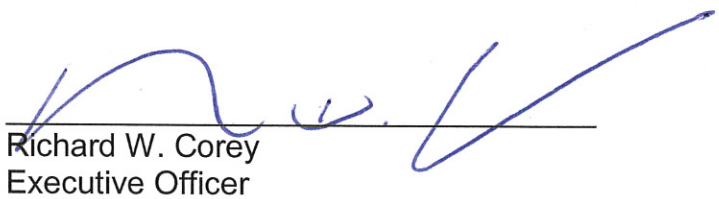
To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envié un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: August 4, 2015

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 our website at www.arb.ca.gov.