

State of California
AIR RESOURCES BOARD

**Addendum to Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Response**

PUBLIC HEARING TO CONSIDER AMENDMENTS TO REGULATIONS REGARDING CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 1985 AND SUBSEQUENT MODEL HEAVY-DUTY ENGINES AND VEHICLES, TO SPECIFY MANDATORY STANDARDS FOR 1998 AND SUBSEQUENT HEAVY-DUTY ENGINES AND OPTIONAL STANDARDS FOR 1995 AND SUBSEQUENT HEAVY-DUTY ENGINES

Public Hearing Date: June 29, 1995
Agenda Item No.: 95-6-1

This addendum to the final statement of reasons clarifies some aspects of, and explains some additions to, the rulemaking file. A number of the clarifications and additions pertain to the text of the regulations and the incorporated standards and test procedures or specifications. A final clarification relates to the requirements of Government Code Sections 11346.2(b)(6) and (c).

Text of the Regulations and the Incorporated Standards and Test Procedures Attached to Air Resources Board Resolution 95-26

The text of the regulations attached to Resolution 95-26 contains blanks to insert the amendment dates for the incorporated standards and test procedures or specifications. The date is supplied in the final regulation order as submitted to the Office of Administrative Law (OAL). In each instance, the date is June 29, 1995, the date of the public hearing for this rulemaking file. The amendment date is the hearing date because the Air Resources Board (ARB or Board) adopted the regulations and the incorporated standards and test procedures or specifications without change to the text made available during the 45-day public comment period. Had the Board made changes, the resolution would have directed the Executive Officer to make the changes as specified and the Executive Officer would have signed an executive order adopting the text with the changes after a 15-day notice period. Because there were no 15-day changes for this rulemaking, the text of the incorporated standards and test procedures or specifications, although not attached to Resolution 95-26, is the same text as noticed for the public hearing.

Also the text for Section 2112(l), Title 13, California Code of Regulations (CCR), as attached to Resolution 95-26, inadvertently omitted an existing subdivision (l)(12). The Board intended to amend section 2112(l) by adding subdivisions without repealing any existing portions of subdivision (l). The error was an oversight as is discussed below.

Section 2112, Title 13, California Code of Regulations

The ARB requests that OAL substitute the attached final regulation order pages 8 and 9 for pages 8 and 9 as submitted with the form "std. 400" for this rulemaking. The noticed and originally submitted text of pages 8 and 9 did not reflect that a subdivision (l)(12) had been added earlier in the year. To correct this oversight, the subdivisions and cross references have been renumbered to reflect the correct existing text.

Section 1965, Title 13, California Code of Regulations (CCR), Incorporated "California Motor Vehicle Emission Control Label Specifications"

This regulation and its incorporated specifications are clarified in two ways. First, the final statement of reason on page 2 describes a nonsubstantive modification to Title 13, CCR, Section 1965, "California Motor Vehicle Emission Control Label Specifications." The modification was, in fact, made to the incorporated "California Motor Vehicle Emission Control Label Specifications," rather than to the regulation itself.

Second, attached to this addendum is a nonsubstantive revision of the numbering of the amendments to the "California Motor Vehicle Emission Control Label Specifications." The ARB requests that the OAL substitute the attached final regulation order pages 25 and 26 for the pages 25 and 26 submitted with the form "std. 400" for this rulemaking. The text now shows that there are no changes to 1 and 2. For clarity, the unchanged portion of the text of "3. Label Content and Location" which precedes subsection (a) is shown. The balance of text remains as originally submitted with strikeout and underline.

Requirements of Government Code Sections 11346.2(b)(6) and (c)

The ARB wishes to clarify that the requirements of Government Code Sections 11346.2(b)(6) and (c) are addressed in the staff report/initial statement of reasons and the notice for the rulemaking. Section 11346.2(b)(6) requires that the ARB describe in the initial statement of reasons its efforts to avoid unnecessary duplication or conflicts with federal regulations addressing the same issues. Section 11346.2(c) provides that a state agency meets the requirement of (b)(6) where the notice cites the federal regulation. For 13 CCR section 1956.8 (the NOx standards), the description is provided on pages 5 and 6 of the staff report/initial statement of reasons. For 13 CCR section 2112 (useful life standard extension), the description is provided on pages 6 and 7 of the staff report/initial statement of reasons. In addition, the notice for the amendments to 13 CCR section 2112 cites the corresponding federal regulations. For 13 CCR section 1965 (labeling requirement), there is no corresponding federal requirement since the ARB labeling requirement relates solely to engines certified to the optional NOx emission standards. See, however, pages 9 and 10 of the staff report/initial statement of reasons for a discussion of the labeling requirement.

Section 11346.2(b)(6) also requires a finding of justifications where the state regulation differs from the federal regulation addressing the same issue. Because the ARB aligned its regulations with the federal regulations in this rulemaking, the staff report/initial statement of reasons neither needed nor made a finding of justifications for differing standards.

Attachments