

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE HEAVY DUTY VEHICLE SMOKE INSPECTION PROGRAM (IMPLEMENTATION OF ASSEMBLY BILL 1009, PAVELY 2004, CHAPTER 873)

Public Hearing Date: January 26, 2006

Public Availability Date: **May 11, 2006**

Deadline for Public Comment: **May 26, 2006**

The Board's Action: At its January 26, 2006, public hearing, the Air Resources Board (the Board or ARB) approved amendments to title 13, California Code of Regulations (CCR), sections 2180-2189: Heavy-Duty Smoke Emission Testing, and Heavy-Duty Vehicle Emissions Control System Inspections. Assembly Bill 1009 (Pavely 2004) directed ARB to develop, adopt and implement regulations that establish an inspection protocol to ensure that heavy-duty commercial vehicles (HDCVs) operating in California are equipped with engines that, at the time of manufacture, met standards that were at least as stringent as emission standards promulgated by the United States Environmental Protection Agency (U.S. EPA). Staff proposed amendments to meet these directives. The proposed requirements would apply to all 1974 and later diesel powered HDCVs operating in California that have a gross vehicle weight rating greater than 10,000 pounds. Staff also proposed civil penalties for violating the amended regulation.

At the hearing, the staff presented, and the Board approved, modifications to the proposed amendments contained in the Initial Statement of Reasons (ISOR or Staff Report) that was issued on December 9, 2005. Attached to this notice is Board Resolution 06-2 (Attachment 1), which approved the modified amendments to sections 2180-2189. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications in the proposed regulatory text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days.

The modifications approved by the Board were developed by staff in response to comments received after the Staff Report was published but prior to the January 26, 2006 hearing. These changes consist of:

1. An amendment to section 2185(a)(3)(B) that waives the \$300 penalty for a missing emission control label (ECL) after the first year of implementation in cases when the owner provides at the time of vehicle inspection other documentation of compliance with the emission standards requirements and provided that the ECL is replaced within 45 days.
2. An amendment to section 2185(a)(3) to increase the civil penalty for operating a non-compliant engine in California from \$300 per violation to \$500. The

larger civil penalty is intended to further discourage operation of non-U.S. compliant engines in California.

In addition, staff is now proposing further conforming modifications to section 2181(c)(5) for purposes of clarity. Other conforming modifications are also now being proposed to correct several formatting and typographical errors that were inadvertently included or omitted from initially proposed amendments. These changes do not reflect substantive additions or deletions to the regulation or initially proposed amendments.

The modifications to the proposed text are attached as Attachment 2. In Attachment 2, the initial proposed amendments to the regulatory text are denoted by underline for additions and ~~strikeout~~ for deletions. The 15-day text modifications are denoted by double underline for additions and ~~double strikeout~~ for deletions.

Both Attachments 1 and 2 may be obtained from the Internet at the following address:
<http://www.arb.ca.gov/regact/hdvp2006/hdvp2006.htm>

Printed copies may be obtained from Mr. Donald Chernich, Manager, Heavy Duty Diesel Vehicle Inspection and Maintenance Development Section, of the Mobile Source Operations Division, at (916) 322-7620.

Comments and Subsequent Action: In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt the amendments to sections 2180-2189, title 13, CCR, 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 regulation 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 is to be sent to: Clerk of the Board, Air Resources Board, 1001 I Street,
Sacramento, California 95814

Electronic submittal : <http://www.arb.ca.gov/lispub/comm/bclist.php>

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 three forms described above and received by the ARB by 5:00 p.m. on the last day for comment identified at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulation shall be considered by the Executive Officer.

Attachments