

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC MEETING TO CONSIDER REGULATIONS
FOR AN ENHANCED FLEET MODERNIZATION PROGRAM (CAR SCRAP)

Public Hearing Date: June 26, 2009
First Public Availability Dates: December 9, 2009 – December 28, 2009
Second Public Availability Date: March 18, 2010
Deadline for Public Comment: April 2, 2010

At its June 26, 2009, public hearing, the Air Resources Board (ARB or Board) approved the adoption of California Code of Regulations (CCR), title 13, subchapter 8.1, sections 2620 through 2630. The purpose of this regulation is to improve California air quality through the voluntary early retirement of vehicles as directed by the California Alternative and Renewable Fuel, Vehicle Technology, Clean Air, and Carbon Reduction Act of 2007 (Assembly Bill 118, Statutes of 2007, Chapter 750; Health and Safety Code sections 44125-44126).

At the hearing, the Board adopted Resolution 09-44, in which it approved the proposed regulation with amendments. Resolution 09-44 directed the Executive Officer to adopt the proposed regulation, along with other conforming modifications and technical amendments as may be appropriate, and to make such modifications available for a supplemental comment period of at least 15 days.

This is the Second Notice of Public Availability of Modified Text (Second Notice). Staff is providing this notice to further modify the regulatory text and to solicit public comment on these latest proposed modifications.

The attachment to this notice contains the text of California Code of Regulations, title 13, sections 2620 through 2630, which shows the proposed 15 day modifications to the amended regulatory language. The modifications provided in the first Notice of Public Availability of Modified Text (December 9, 2009) are shown in underline to indicate additions to the original proposal and ~~strikeout~~ to indicate deletions. The modifications proposed in this Second Notice of Public Availability of Modified Text are shown in double underline to indicate additions to the original proposal and ~~double strikeout~~ to indicate deletions. The rationale for the modifications proposed in the Second Notice is set forth below.

Modifications to the Originally Proposed Text

I. Modifications to Regulatory Text of California Code of Regulations, Title 13, Sections 2620 through 2630, Being Made Available for Comment

A. Change in Program Limits

As established in the proposed regulation and specified by statute, the Enhanced Fleet Modernization Program (EFMP) will be administered by the Bureau of Automotive Repair in addition to the existing Consumer Assistance Program (CAP). The proposed EFMP regulation originally included dollar amounts for vehicle retirement that reflected expected changes in the CAP program in order to harmonize the programs. However, due to current financial considerations the expected changes in the CAP program will not occur. Therefore, Section 2623 (b) has been eliminated to maintain alignment between the CAP and EFMP programs.

B. Change in Eligibility Requirements

Staff is also proposing additional changes in eligibility to further harmonize and align with the CAP vehicle retirement program. Section 2624 (b) has been modified to include a requirement that an applicant must be the registered owner of the vehicle in order to be eligible for participation. Section 2625 (e) has also been deleted to maintain consistency with the existing CAP program.

Comments and Subsequent Action

The regulatory documents for this rulemaking, including Resolution 09-44, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2009/carscrap09/carscrap09.htm>

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt new sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630, title 13, California Code of Regulations, after making the modified text available to the public for a period of at least 15 days. The Board further directed 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 will only be accepted on the modifications approved by the Board and 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 (Govt. 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.

Si necesita este documento en un formato alternativo (por decir, sistema Braille, o en impresión grande) u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachement

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.