

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE ENHANCED
FLEET MODERNIZATION PROGRAM**

Public Hearing Date: June 26, 2014
Public Availability Date: November 17, 2014
Deadline for Public Comment: December 2, 2014

At its June 26, 2014 public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed amendments to the California Code of Regulations, title 13, sections 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630 which improve the Enhanced Fleet Modernization Program (EFMP) by focusing the program on low-income participants, expanding program flexibility to improve program participation, and ensuring the emissions benefits of the program by requiring that retired vehicles are functional.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2014/carscrap14/carscrap14.htm>

The text of the modified regulatory language is shown in Attachment I. The originally proposed regulatory language is shown in ~~striketrough~~ to indicate deletions and underline to indicate additions. New deletions and additions to the proposed language that are made public with this notice are shown in ~~double striketrough~~ and double underline format, respectively.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all changes that are noticed. Therefore, staff will only address comments that are responsive to this notice, documents added to the record, or the changes detailed in Attachment I.

The purpose of these proposed modifications is to incorporate minor clarifications to the regulatory text in addition to changes requested by the Bureau of Automotive Repair (Bureau) which streamline the eligibility requirements for the Retirement-only program and clarify the Bureau's role in the implementation of the Retire and Replace program.

Summary of Proposed Modifications

1. In section 2620(b), language has been modified to clarify that the existing EFMP Pilot Voucher Replacement Program is being replaced by the Retire and Replace Program;
2. In section 2621(c), language was modified to improve clarity;
3. In section 2622(a), language was modified to improve clarity;
4. In section 2622(d), language has been modified to remove the Bureau of Automotive Repair (Bureau) from the reporting requirements since the Bureau is not involved in implementation of the Retire and Replace program;
5. In section 2622(d)(2) and 2622(d)(3), VIN was added to the list of reporting requirements for retired and replacement vehicles respectively;
6. In section 2623(a), modifications to the regulatory text have been made to clarify that ARB will continuously monitor participation in the retirement-only component of the program, and to identify the location of the Consumer Assistance Program application;
7. In section 2623(b), language was added to give ARB's Executive Officer the ability to use data other than the required quarterly reports when considering incentive adjustments;
8. In section 2623(c)(1), language was added to clarify that should the retirement-only incentive be increased, only vehicles passing a smog check test would be eligible for the increased incentive amount;
9. In section 2624(c)(2), language has been included to clarify the eligibility of currently registered vehicles with more than 120 days lapse in the previous 24 months;
10. In section 2624(f), the text has been changed to correct a reference;
11. In section 2626(d), modifications to the regulatory text have been made to improve clarity;
12. In section 2627(a), language has been modified to remove the Bureau from consultation with ARB regarding the Retire and Replace program;
13. In section 2627(f)(8), modifications to the regulatory text have been made to improve clarity;
14. In section 2627(g)(2)(A), language previously moved to footnotes has been reinstated for clarity;
15. In section 2627(l), language has been added to improve clarity; and
16. In section 2627(l), the Retire and Replace Incentives table was modified. The columns for "Plug-in Hybrid" and "Zero-Emission Vehicle" have been consolidated for clarity.

Written Comment Period and Submittal of Comments

Written comments will only be accepted on the modifications identified in this notice and may be submitted by postal mail or electronic mail submittal 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>

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 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.

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal 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.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Tess Sicut, Manager of the Alternative Strategies Section, (626) 459-4435, or Mr. Aaron Hilliard, Air Resources Engineer, (916) 322-4781.

If you need this document in an alternate format 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 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.

Attachment

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.