

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO  
THE REGULATION TO REDUCE EMISSIONS OF DIESEL PARTICULATE MATTER,  
OXIDES OF NITROGEN, AND OTHER CRITERIA POLLUTANTS FROM IN-USE ON-  
ROAD DIESEL-FUELED VEHICLES**

Public Hearing Date: April 24, 2014  
First Public Availability Dates: July 1, 2014 - July 17, 2014  
Second Public Availability Date: September 12, 2014  
Deadline for Public Comment: September 29, 2014

At its April 24, 2014, public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed amendments to the Regulation to Reduce Emissions of Diesel Particulate Matter (PM), Oxides of Nitrogen, and Other Criteria Pollutants from In-Use Heavy-Duty Diesel-Fueled Vehicles (regulation) California Code of Regulations (Cal. Code Regs.), title 13, section 2025, which provide additional regulatory flexibility to small fleets, lower mileage fleets, and fleets in certain areas that have made substantial progress towards cleaner air.

At the hearing, staff presented modifications to the regulation that were proposed in the Staff Report released on March 5, 2014. The Board approved staff's recommendations with additional changes in response to comments received since the Staff Report was published, including oral comments made at the public hearing. These modifications include extending the compliance date for the second truck in the small fleet option, revising the new option for fleets that cannot afford to comply, modifying the requirements for cattle livestock trucks, and other minor modifications. The modifications do not make any significant changes to the amendments the Board approved and do not affect the conclusions in the emissions assessment in the Staff Report released on March 5, 2014.

Board Resolution 14-3 approved section 2025 as modified. 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/truckbus14/truckbus14.htm>

The Board directed the Executive Officer to adopt the approved amendments to California Code of Regulations, title 13, section 2025, after making the proposed modifications available to the public for comment for a period of at least fifteen days as required by Government Code section 11346.8. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during the comment period, shall make such other modifications as may be appropriate in light of the comments received, and shall present the regulation to the Board for further consideration if warranted. The Executive Office was also directed to determine if any

proposed modifications affect the conclusion of the environmental analysis and determine whether any additional analysis is required by ARB's regulations at California Code of Regulations, title 17, sections 60001-60007.

Attachment 1 to this notice contains proposed amendments to title 13 of the California Code of Regulations. Amendments to existing sections proposed and subject to comment in this rulemaking are shown in underline to indicate additions and strikeout to indicate deletions, compared to the preexisting regulatory language. The further proposed amendments subject to comment under the First 15-Day Notice of Modifications are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. Text that has both single underline and double strikeout is additional text that staff proposed during the 45-day Public Notice period but was proposed for retraction as part of the First 15-day Notice period. The further proposed amendments subject to comment under this Second 15-Day Notice of Modifications are shown in **bold double underline** to indicate additions and ~~**bold double underline**~~ to indicate deletions. Text that has both ~~**bold double underline**~~ and ~~**bold double underline**~~ is additional text that staff proposed during the First 15-Day Notice period but is now proposed for retraction under this Second 15-Day Notice. All other portions remain unchanged and are indicated by the symbol “\* \* \* \*” for reference.

Staff has determined that these modifications do not affect the regulation in any way that alters the conclusions of the environmental analysis included in the Staff Report released on March 5, 2014. No further environmental review or recirculation of the environmental analysis is triggered by these proposed modifications because the modifications consist solely of non-substantive changes to the amendments, including section numbering and typographical corrections for clarity and to maintain consistency, and removal of the labeling requirement for vehicles using the Economic Hardship Extension. These modifications do not change the compliance responses to the regulation or implementation of the regulation in a way that alters the air quality emissions assessment or the analysis of potential adverse environmental impacts. The environmental analysis relied upon by the Board for their approval of the amendments in April 2014 adequately addresses the potential environmental impacts from implementation of the Truck and Bus Regulation with these modifications.

The following is a summary of proposed modifications to the regulatory text but does not describe editorial number reformatting and minor grammatical changes.

### Summary of Proposed Modifications

#### 1. Economic Hardship Extension

Deleted section 2025(p)(10)(G) that requires labeling of vehicles that use the Economic Hardship Extension. This provision has been removed to address concerns that mandatory labeling of such vehicles will visibly convey the economic status of individual operators and companies. Labeling of vehicles claiming this extension is not critical to effective enforcement of this requirement.

## 2. Minor Changes

Additional non-substantive changes were made for clarity and to maintain consistency in language.

Written comments will only be accepted on the modifications identified in this notice and on Attachment 1 to this notice, which contains the proposed regulatory text showing the modifications to the initially proposed text of the regulation. Written comments 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>

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.

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 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.

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](http://www.arb.ca.gov).*