

ATTACHMENT D to RESOLUTION 18-53

Staff's Suggested Modifications to the Original Proposal (Distributed at the November 15, 2018 Board Hearing)

Shown below are the staff's suggested modifications to the originally proposed amendments to the regulatory text set forth in Appendices A, B, and C to the Staff Report: Initial Statement of Reasons, which was released September 25, 2018. Modified regulatory language will be developed by staff as described below, and the modified language will be made available to the public for a fifteen-day comment period prior to final adoption.

Sections 1971.1, 1971.5, and 1968.2

Except as provided below, for all proposed amendments that affect heavy-duty engines and medium-duty diesel engines and vehicles, staff is considering amendments that will delay the start date to 2024 model year to give manufacturers additional leadtime to implement these changes. This would not apply to proposals that allow further flexibilities, the proposed data tracking requirements in sections 1971.1(h)(5.3) through (5.7) and section 1968.2(g)(6.12), or the associated NOx sensor and tracking data reporting requirements in sections 1971.1(e)(9.2.2)(E), 1971.1(j)(2.24), 1971.1(j)(2.26), and 1971.1(l)(3.4.1).

Sections 1971.1(h)(5.3), 1971.1(h)(5.7), and 1968.2(g)(6.12) – Tracking Requirements

Staff is considering amendments that will allow manufacturers to pick one of the following options:

Option 1: Manufacturers would be exempt from meeting the requirements of sections 1971.1(h)(5.3.2)(A) and (B), sections 1971.1(h)(5.7.2)(A) and (B), and sections 1968.2(g)(6.12.2)(A) and (B) (i.e., the active 100 hour array and stored 100 hour array requirements) for the 2022 through 2023 model years. Manufacturers would be required to meet all the proposed data tracking requirements of sections 1971.1(h)(5.3) through (5.7) and section 1968.2(g)(6.12) as specified in Appendices A and C to the Staff Report starting in the 2024 model year.

Option 2: Manufacturers would be required to test only 15 monitors selected by CARB staff on 2022 and 2023 model year heavy-duty and medium-duty diesel engines and vehicles tested under sections 1971.1(i)(3) and 1968.2(h)(4). Manufacturers would be required to meet all the proposed data tracking requirements of sections 1971.1(h)(5.3) through (5.7) and section 1968.2(g)(6.12) as specified in Appendices A and C to the Staff Report starting in the 2022 model year.

Section 1971.1(k)(3) – Deficiencies

Staff is considering amendments to revise the specified fines applied to deficiencies as follows:

<u>Deficiency Type</u>	<u>Threshold Exceedance (% of malfunction criteria)</u>	<u>Applicable Model Year (MY) for Deficiency</u>			
		<u>1st MY</u>	<u>2nd MY (1 MY carryover)</u>	<u>3rd MY (2 MY carrover)</u>	<u>4th MY (3 MY carryover)</u>
<u>ET1</u>	<u>100 - 120</u>	<u>Free for 2 ET1, \$100 for all other ET1</u>	<u>Free for 1 ET1, \$100 for all other ET1</u>	<u>\$150</u>	<u>\$200</u>
<u>ET2</u>	<u>121-150</u>	<u>\$200</u>	<u>\$200</u>	<u>\$250</u>	<u>\$300</u>
<u>ET3</u>	<u>151-200</u>	<u>\$300</u>	<u>\$300</u>	<u>\$350</u>	<u>\$400</u>

<u>Deficiency Fine Caps (covering all types of deficiency fines)</u>	
<u>Model Year</u>	<u>Deficiency Fine Cap</u>
<u>2024</u>	<u>\$600</u>
<u>2025</u>	<u>\$800</u>
<u>2026</u>	<u>\$1000</u>
<u>2027</u>	<u>\$1250</u>