

\* \* \* State Regulations require that this notice be mailed to all persons \* \* \*  
who submitted written or oral comments during the initial public comment period

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text  
and Supporting Documents and Information**

**PUBLIC HEARING TO CONSIDER ADOPTION OF THE 2003 AMENDMENTS TO THE  
CALIFORNIA ZERO EMISSION VEHICLE REGULATIONS**

Public Hearing Dates: March 27-28 & April 24, 2003  
Internet Posting Date of Supplemental Notice: July 29, 2003  
Final Supplemental Notice Mailout Date: August 8, 2003  
Last Day for Supplemental Public Comment: August 25, 2003

At a public hearing on March 27-28 and April 24, 2003, the California Air Resources Board (ARB or Board) considered adoption of 2003 amendments to its Zero Emission Vehicle (ZEV) regulation in section 1962, title 13, California Code of Regulations (CCR), and an incorporated ZEV test procedures document.

The proposed amendments delay the start of the percentage ZEV requirements from the 2003 model year to the 2005 model year. An important element of the ARB staff's modified proposal is a new mechanism allowing large-volume auto manufacturers to choose one of two compliance paths in the 2005 and subsequent model years. A manufacturer would be permitted to satisfy its ZEV obligations by meeting requirements that are similar to those in the ZEV regulation as amended in 2001. This involves a formula that initially allows a mix of credits from three categories of vehicles – 2 percent from “gold” pure ZEVs, 2 percent from “silver” advanced technology partial ZEV allowance vehicles (AT PZEVs), and 6 percent from “bronze” partial ZEV allowance vehicles (PZEVs). The manufacturer would also have the option of electing a new alternative ZEV compliance path, under which the manufacturer would meet part of its ZEV requirement by producing its sales-weighted market share of approximately 250 fuel cell ZEVs by the 2008 model year. Under this alternative path, the remainder of the manufacturer's ZEV obligations could initially be achieved with a credit mix of 4 percent from AT PZEVs and 6 percent from PZEVs. In response to pending litigation, the proposed amendments eliminated all references to fuel economy and vehicle efficiency. Consequently, the credit structure for ZEVs and AT PZEVs was adjusted to reflect new regulatory incentives and encourage the sustainable commercialization of program vehicles.

The amendments as originally proposed by staff were described in detail in the Staff Report: Initial Statement of Reasons for Proposed Rulemaking released on January 10, 2003. On March 5, 2003 the staff released suggested modifications to the originally proposed regulatory text. These modifications were described in a March 5, 2003 document entitled “Description and Rationale for Staff’s Additional Proposed Modifications to the January 10, 2003 ZEV Regulatory Proposal” (the March 5 Supplemental Staff Report).

**The Board's action.** The Board heard comment on March 27 and 28, 2003, and then continued the hearing to April 24, 2003. At the conclusion of the April 24, 2003 hearing, the Board adopted Resolution 03-4, which initiated steps towards final adoption of the originally proposed amendments with a number of modifications. The modifications reflected the modified regulatory text that had been suggested by staff in the March 5 Supplemental Staff Report and that was included as Attachment C to the Resolution. Additional modifications were presented by staff at the April 24, 2003 continued hearing and were described on page 5 of Resolution 03-4 and in greater detail in Attachment D of the Resolution. The Resolution and its Attachments C and D are available on the ARB's Internet site for the regulatory documents in this rulemaking – <http://www.arb.ca.gov/regact/zev2003/zev2003.htm>. The Resolution directed the ARB's Executive Officer to incorporate the approved modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period.

In preparing the modified regulatory language, the staff has made various additional revisions to best reflect the intent of the Board at the hearing. The staff has also identified several additional modifications that are appropriate in order to make the amended regulation work as effectively as possible.

**Modified text being made available.** Attachment I to this notice contains the proposed title 13, CCR regulatory text being made available for supplemental comment. Most of the modifications were suggested in connection with the March 5, 2003 Supplemental Staff Report, which is available on the Internet site for the rulemaking provided above. The March 5 report sets forth the rationale for these modifications. The Attachment I document provides a commentary identifying and explaining all of the substantive modifications developed subsequent to the March 5, 2003 report – both those identified in Attachment D to the Resolution and those prepared by staff after the April hearing. The rulemaking also includes amendments to the “California Exhaust Emission Standards and Test Procedures for 2003 and Subsequent Model Zero-Emission Vehicles, and 2002 and Subsequent Model Hybrid Electric Vehicles, in the Passenger Car, Light-Duty Truck and Medium-Duty Vehicle Classes,” which is incorporated by reference in section 1962(h), title 13, CCR. The modified amendments to this incorporated document are generally identical to the modified amendments to section 1962, and are therefore not separately shown in Attachment I. However, Attachment I does show the proposed amendments to the incorporated document that are supplemental to the section 1962. The complete text of the incorporated document with the proposed modifications clearly shown is available online at the ARB's Internet site for the rulemaking identified above. Printed copies may be obtained from Marilyn Favors at (916) 323-6169.

**Additional supporting documents and information being made available.** In accordance with Government Code section 11347.1, the staff has added to the rulemaking file the additional documents identified in Attachment II, which also describes how the public may inspect the documents. Attachment II also identifies a document that has been removed from the rulemaking file.

**Comments and subsequent action.** In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to make the modified amendments available to the public for a supplemental written comment period of at least 15 days. The Executive Officer is then directed either to adopt the amendments with such additional modifications as may be appropriate in light of the comments received, or to present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications and on the information identified in Attachment II 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  
P.O. Box 2815  
Sacramento, California 95812

Electronic mail is to be sent to: [zev2003@listserv.arb.ca.gov](mailto:zev2003@listserv.arb.ca.gov)

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 supplemental comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulations or incorporated Test Procedure document, or to the additional information made available by this notice, will be considered by the Executive Officer.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the Air Resources Board ADA coordinator at (916) 323-4916.

If you have special accommodation or language needs, please contact ARB Regulations Coordinator Amy Whiting at (916) 322-6533 or by email at [awhiting@arb.ca.gov](mailto:awhiting@arb.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Robert H. Cross, Chief  
Mobile Source Control Division

Attachments

*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 our Web-site at [www.arb.ca.gov](http://www.arb.ca.gov).*