

State of California
AIR RESOURCES BOARD

Resolution 98-52

November 19, 1998

Agenda Item No.: 98-11-4

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, section 39602 of the Health and Safety Code designates the ARB as the state air pollution control agency for all purposes set forth in federal law and as the state agency responsible for the preparation of any State Implementation Plan (SIP) required by the federal Clean Air Act (CAA; 42 U.S.C. sections 7401 et seq.);

WHEREAS, on September 13, 1985, the U.S. Environmental Protection Agency (U.S. EPA) promulgated a national ambient air quality standard (NAAQS) for carbon monoxide (CO) of 9 parts per million (ppm) (eight hour average);

WHEREAS, under CAA sections 107(d)(4)(A) and 186(a)(1), the following ten areas were designated as nonattainment for CO and classified as "moderate" or unclassified:

Bakersfield Metropolitan Area
Chico Urbanized Area
Fresno Urbanized Area
Lake Tahoe North Shore Area
Lake Tahoe South Shore Area
Modesto Urbanized Area
Sacramento Area
San Diego Area
San Francisco-Oakland-San Jose Area
Stockton Urbanized Area

WHEREAS, CAA section 107(d)(3)(D) provides that a state may request the U.S. EPA to redesignate an area from nonattainment to attainment for the NAAQS;

WHEREAS, on April 25, 1996, the Board approved Resolution 96-13 which adopted the CO Redesignation Request and Maintenance Plan for the ten CO nonattainment areas and directed the Executive Officer to submit the plan to U.S. EPA as a SIP revision;

WHEREAS, on March 31, 1998, the U. S. EPA proposed approval of the CO Redesignation Request and Maintenance Plan as a direct final rule (FR Vol. 63, No. 61, pp. 15305-15312);

WHEREAS, the direct final rule became effective on June 1, 1998;

WHEREAS, the maintenance demonstration contained in the approved CO Maintenance Plan contains emission estimates incorporating the effects of the wintertime requirement for oxygen in gasoline, as specified in section 2262.5, title 13, California Code of Regulations (CCR);

WHEREAS, on August 27, 1998, the Board approved Resolution 98-37, which amends section 2262.5, title 13, CCR to rescind the wintertime oxygen requirement in gasoline in certain CO attainment areas of the state;

WHEREAS, the Board's action to remove the wintertime oxygen requirement makes it necessary to amend the maintenance demonstration in the approved SIP for Carbon Monoxide to reflect the Board's action;

WHEREAS, the Board staff has prepared a revision to the SIP for Carbon Monoxide which incorporates the effects of the removal of the wintertime oxygen requirement in gasoline;

WHEREAS, the California Environmental Quality Act and ARB regulations provide that no project that may have significant adverse environmental impacts shall be approved as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Board in Resolution 98-37, which approved the amendments eliminating the wintertime oxygen requirement, found that:

1. To the extent that refiners and importers reduce the amount of oxygen in gasoline in response to the wintertime oxygen amendments, CO emissions from motor vehicles operating on that gasoline will increase as a result of the reduced oxygen content;
2. Even in a worst case scenario, vehicular CO emissions under the partial elimination of the wintertime minimum oxygen requirements would remain less than they were in 1995, and would decline annually from the turnover of the vehicle fleet to new vehicles; and
3. The limitations incorporated into the wintertime oxygen amendments will assure that any CO emission increases resulting from the amendments will not interfere with the attainment or maintenance of the federal or state ambient CO standards.

WHEREAS, the Board reaffirms the above findings in Resolution 98-37, and further finds that:

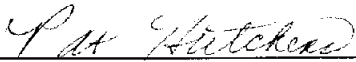
1. Even with no wintertime oxygen in gasoline, the emission levels in all of the 10 federal planning areas remain below the 1995 attainment levels as determined in the Carbon Monoxide Redesignation Request and Maintenance Plan;
2. The contingency measures in the Carbon Monoxide SIP that are being implemented or will be implemented, coupled with vehicle fleet turnover, provide an ample margin of safety to maintain the CO standard; and
3. This action will not have a significant adverse impact on the environment, since this action simply revises the maintenance demonstration to reflect the Board's previous action eliminating the wintertime oxygen requirement.

WHEREAS, the Board directs ARB staff to review carbon monoxide air quality data in the areas no longer subject to the wintertime oxygen requirement; if violations are monitored in any of the areas, staff will propose that appropriate action be taken regarding reinstatement of the minimum wintertime oxygen content in gasoline as previously contained in section 2262.5, title 13, CCR, in the area at the beginning of the following winter season.

NOW, THEREFORE BE IT RESOLVED that the Board hereby adopts the Revision to the State Implementation Plan for Carbon Monoxide and directs the Executive Officer to forward the revision to the U.S. EPA for inclusion in the SIP.

BE IT FURTHER RESOLVED, that the Board certifies that the SIP revision was adopted after notice and public hearing as required by 40 CFR 51.102, and directs the Executive Officer to submit the appropriate supporting documentation to U.S. EPA along with the SIP revision.

I hereby certify that the above is a true and correct copy of Resolution 98-52, as adopted by the Air Resources Board.



Pat Hutchens, Clerk of the Board

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Notice of Decision and
Response to Significant Environmental Issues**

Item: NOTICE OF PUBLIC HEARING TO CONSIDER THE "LEV II" AND "CAP 2000" AMENDMENTS TO THE CALIFORNIA EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND TEST PROCEDURES FOR PASSENGER CARS, LIGHT-DUTY TRUCKS AND MEDIUM-DUTY VEHICLES, AND TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR HEAVY-DUTY VEHICLES

Adopted by: Executive Order G-99-059
Dated: August 5, 1999

Agenda Item No.: 98-12-1

Public Hearing Date: November 5, 1998

Issuing Authority: Air Resources Board (ARB)

Comment: The Staff Report did not identify any significant adverse environmental impacts that would result from the proposal. During the 15-day comment period, some commenters stated that the Board's elimination of the LEV II Transitional Low-Emission Vehicle (TLEV) standard entirely, and elimination of the LEV I TLEV standard after the 2003 model year, would result in a loss of the environmental benefits associated with direct injection/lean burn (gasoline or diesel) engines. These benefits include increased fuel economy, a reduction in greenhouse gas (CO₂) emissions, and in the case of diesel-fueled vehicles, reduced hydrocarbon emissions (particularly from evaporative emissions). The direct injection/lean burn engines emit greater levels of oxides of nitrogen (NO_x, a precursor of groundlevel ozone), and those engines would be unable to meet the more stringent NO_x standards in the Low-Emission Vehicle (LEV) emission category and the remaining, more stringent categories.

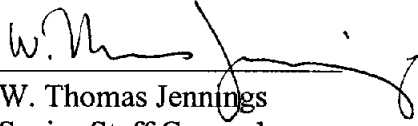
Response: In Resolution 98-53 approving the amendments, the Board found that the amendments approved therein would not result in any significant adverse environmental impact. After two supplemental 15-day comment periods during which the above comments were made, the Executive Officer formally adopted the LEV II and CAP 2000 amendments by issuing Executive Order G-99-59. The Executive Order incorporated the findings of Resolution 98-53, including the finding that the amendments will not result in any significant adverse

environmental impacts.

There are no new diesel light-duty trucks, and almost no new diesel passenger cars, currently being marketed in California. Thus to the extent the amendments reduce or eliminate diesel light-duty trucks and passenger cars in California after the 2003 model year, that would not have any significant adverse environmental impact with regard to global warming or the other referenced environmental conditions, in comparison to the vehicles currently being sold in the state.

The attached Final Statement of Reasons is incorporated by reference.

Certified:


W. Thomas Jennings
Senior Staff Counsel

Date:

17 SEPTEMBER 1999

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RESOURCES AGENCY OF CALIFORNIA