

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF GASEOUS MEASUREMENT ALLOWANCES FOR CALIFORNIA'S HEAVY-DUTY DIESEL IN-USE COMPLIANCE REGULATION

Public Hearing Date: December 6, 2007
Public Availability Date: July 7, 2008
Deadline for Public Comment: July 22, 2008

The Board's action. At its December 6, 2007, public hearing, the Air Resources Board (ARB or the Board) approved regulatory amendments to California's heavy-duty diesel engines (HDDE) test procedures. The proposed amendments would modify the measurement allowances for the regulated gaseous pollutants during heavy-duty diesel in-use compliance testing, while using Portable Emissions Measurement Systems (PEMS). The proposed amendments included modifications to the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles." These amendments were intended to be identical to proposed modifications planned by the United States Environmental Protection Agency (U.S. EPA), which would result in identical California and federal test protocols for testing 2007 and newer HDDE with PEMS.

At the conclusion of the hearing, the Board adopted Resolution 07-56, approving the originally proposed amendments with one minor modification. The modification, suggested by staff, reflected additional technical amendments that were soon to be adopted by U.S. EPA, ensuring identical California and federal in-use testing protocols for 2007 and newer HDDE. The text of the suggested modification was contained in a 5-page document entitled "ARB Staff's Suggested Modifications to the Original Proposal," which was distributed at the hearing and was Attachment C to the Resolution. The Resolution directed the Executive Officer to incorporate the modification into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available to the public and provide a 15-day comment period.

Modified text being made available. On March 13, 2008, U.S. EPA issued a Direct Final Rule for new measurement allowances when conducting in-use HDDE PEMS testing. Accordingly, staff has drafted conforming modifications that are appropriate to ensure identical California and federal in-use test protocols for testing 2007 and newer HDDE with PEMS. The Attachment to this Notice shows the text of the proposed modifications to California's exhaust emission standards and test procedures for 2004 and subsequent model HDDE and vehicles. The text of the amendments originally proposed in the Staff Report: Initial Statement of Reasons is shown in single underline

to indicate additions and single ~~strikeout~~ to indicate deletions. Modifications to the test procedures language proposed with this 15-Day Notice are shown in **bold with double underline** for additions and in **bold with ~~double-strikeout~~** for deletions. The symbol ********* or [No change] means that the remainder of the proposed text for a specific section has not been modified and is not shown.

Resolution 07-56 is available at the ARB's Internet site for this rulemaking at <http://www.arb.ca.gov/regact/2007/hdiuc07.htm>. Printed copies may be obtained from Mr. Dipak Bishnu, Air Resources Engineer, On-Road Heavy-Duty Diesel Section, at (626) 575-6696.

Comments and subsequent action. Consistent with section 11346.8 of the Government Code, in the Resolution the Board directed the Executive Officer to adopt the modified amendments after making the modifications available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications 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
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: <http://www.arb.ca.gov/lispub/comm/bclist.php>
Facsimile submissions are to be transmitted to: (916) 322-3928

Please note that under the California Public Records Act, Government Code section 6250 et seq., your written and oral 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. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the three forms described above and received by ARB by 5:00 p.m. on the last day for public comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles being made available will be considered by the Executive Officer.

For individuals with sensory disabilities, this document is available in Braille, large print, audiotape, or computer disk. Please contact ARB's Reasonable

Accommodation/Disabilities Coordinator at (916) 323-4916 by voice, or through the California Relay Service by calling 711, to place your request for disability services.

Attachment

Attachment

Staff's Proposed 15-Day Notice Modifications to the Original Proposal

PUBLIC HEARING TO CONSIDER ADOPTION OF GASEOUS MEASUREMENT ALLOWANCES FOR CALIFORNIA'S HEAVY-DUTY DIESEL IN-USE COMPLIANCE REGULATION

Agenda Item No.: 07-12-5

The original proposal included an amendment to the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles." Proposed modifications to the originally proposed amendment reflect the technical amendments recently adopted by the United States Environmental Protection Agency on March 13, 2008. The proposed modifications will align the California and federal in-use testing protocol for 2007 and newer model year heavy-duty diesel engines.

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR 2004 AND SUBSEQUENT MODEL HEAVY-DUTY DIESEL ENGINES AND VEHICLES

Adopted: December 12, 2002
Amended: July 24, 2003
Amended: September 1, 2006
Amended: July 26, 2007
Amended: October 17, 2007
Amended: (Insert date of finalized amendment)

NOTE: Proposed amendments in this document are printed in a style to indicate changes from existing provisions (October 17, 2007 amendments.) All existing language is indicated by plain type. All additions to the existing language are indicated by underline. All deletions to the existing language are indicated by ~~strikeout~~. The proposed modifications to the originally proposed amendments are shown in **bold** with double underline to indicate additions and in **bold** with ~~double-strikeout~~ to indicate deletions. Only those portions of the existing language containing the proposed modifications are included. All other portions remain unchanged and are indicated by the symbol "* * * * *" for reference. A complete set of the test procedures, as amended on October 17, 2007, is available at http://www.arb.ca.gov/msprog/onroadhd/hddtps_clean_warranty_12-07.pdf.

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 2004 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL ENGINES AND VEHICLES**

The following provisions of Subparts A, I, N, S, and T, Part 86, and of Subparts A through K, Part 1065, Title 40, Code of Federal Regulations, as adopted or amended by the United States Environmental Protection Agency on the date set forth next to the applicable section listed below, and only to the extent they pertain to the testing and compliance of exhaust emissions from heavy-duty diesel engines and vehicles, are adopted and incorporated herein by this reference as the "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," except as altered or replaced by the provisions set forth below.

**PART 86 – CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY
VEHICLES AND ENGINES**

**I. GENERAL PROVISIONS FOR CERTIFICATION AND IN-USE VERIFICATION
OF EMISSIONS.**

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**Subpart A - General Provisions for Emission Regulations for 1977 and Later
Model Year New Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Engines,
and for 1985 and Later Model Year New Gasoline-Fueled, Natural Gas-Fueled,
Liquefied Petroleum Gas-Fueled and Methanol-Fueled Heavy-Duty Vehicles.**

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1. Definitions. [§86.xxx-2]

A. Federal Provisions.

1. **§86.004-2** January 18, 2001. [All federal definitions apply, except as otherwise noted below. Definitions specific to other requirements are contained in separate documents.]

B. California Provisions.

"Administrator" means the Executive Officer of the Air Resources Board.

"Certificate of Conformity" means "Executive Order" certifying vehicles for sale in California.

“**Certification**” means certification as defined in Section 39018 of the Health and Safety Code.

“**EPA**” shall also mean Air Resources Board or Executive Officer of the Air Resources Board.

“**EPA Enforcement Officer**” means the Executive Officer or his delegate.

~~“**Measurement allowance**” means accuracy margin.~~

“**Medium-duty engine**” means a heavy-duty engine that is used to propel a medium-duty vehicle.

“**Medium-duty vehicle**” means 2004 through 2006 model year heavy-duty low-emission vehicle, ultra-low-emission vehicle, super-ultra-low-emission vehicle or zero-emission vehicle certified to the standards in title 13, CCR, section 1960.1(h)(2) having a manufacturer's gross vehicle weight rating of 14,000 pounds or less; and any 2004 and subsequent model heavy-duty low-emission, ultra-low-emission, super-ultra-low-emission or zero-emission vehicle certified to the standards in title 13, CCR section 1956.8(h), having a manufacturer's gross vehicle weight rating between 8,501 and 14,000 pounds.

“**NTE standard**” means NTE emission limit.

“**Warranty period**” [For guidance see title 13, CCR, §2036].

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II. TEST PROCEDURES

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Subpart T - Manufacturer-Run In-Use Testing Program for Heavy-Duty Diesel Engines

86.1901 What testing requirements apply to my engines that have gone into service? June 14, 2005. ~~No change.~~

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86.1905 How does this program work? ~~June 14, 2005~~
March 13, 2008.

* * * * *

86.1912 How do I determine whether an engine meets the vehicle-pass criteria?
~~June 14, 2005. [No change, except as follows.] March 13, 2008.~~

~~(a)(3) Delete and replace with:~~

~~Measurement allowances for portable in-use equipment when testing is performed under the special provisions of §86.1930, depending on the pollutant, are as follows:~~

<u>Pollutant</u>	<u>Measurement Allowances in grams/brake horsepower-hour for MY 2007-2009</u>	<u>Measurement Allowances in grams/brake horsepower-hour for MY 2010 and beyond</u>
<u>NMHC</u>	<u>0.02</u>	<u>0.01</u>
<u>CO</u>	<u>0.50</u>	<u>0.25</u>
<u>NOx</u>	<u>0.45</u>	<u>0.15</u>
<u>PM</u>	<u>0.10</u>	<u>0.10</u>

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86.1930 What special provisions apply from 2005 through ~~2007~~ 2009? ~~June 14, 2005~~
March 13, 2008.

86.1935 What special provisions may apply as a consequence of a delay in the accuracy margin report for portable emission measurement systems? ~~June 14, 2005~~
March 13, 2008.

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