

## ATTACHMENT B TO RESOLUTION 09-54

### PUBLIC HEARING TO CONSIDER AMENDMENTS TO REPEAL THE 2007 AMENDMENTS TO CALIFORNIA'S EMISSION WARRANTY INFORMATION REPORTING AND RECALL REGULATIONS (EWIR REGULATIONS) AND EMISSION TEST PROCEDURES AND READOPT THE PRIOR EWIR REGULATIONS AND EMISSION TEST PROCEDURES

#### STAFF SUGGESTED MODIFICATIONS PRESENTED AT THE NOVEMBER 19, 2009 HEARING OF THE AIR RESOURCES BOARD

*Note: This document contains staff's suggested modifications to the originally proposed regulatory text set forth in Appendix A to the Staff Report: Initial Statement of Reasons, released on October 2, 2009. The proposed modifications to the 2007 Amendments inadvertently included language, in the "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," adopted August 5, 1999, and as last amended October 17, 2007, which is now being deleted and indicated by ~~double~~ ~~strikeout~~. The 2007 amendment language that is being repealed is shown as underlined and strike out (e.g., regulation). The symbol "\*\*\*\*\*" indicates that the regulatory language not being amended is not shown. The text of all proposed modifications will be made available to the public for a comment period of at least 15 days*

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**CALIFORNIA REFUELING EMISSION STANDARDS AND TEST  
PROCEDURES  
FOR 2001 AND SUBSEQUENT MODEL MOTOR VEHICLES**

The provisions of Title 40, Code of Federal Regulations (CFR), Part 86, Subparts B (as adopted or amended by the U.S. Environmental Protection Agency (U.S. EPA) on the date listed) and S (as adopted on May 4, 1999, or as last amended on such other date set forth next to the 40 CFR Part 86 section title listed below) to the extent they pertain to the testing and compliance of vehicle refueling emissions for passenger cars, light-duty trucks and medium-duty vehicles, are hereby adopted as the "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles" with the following exceptions and additions.

**Subpart S Requirements**

**I. General Certification Requirements for Refueling Emissions**

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**G. §86.1825-01 Durability Demonstration procedures for refueling emissions.**

~~§86.1825-01 October 6, 2000. Amend as follows: Add the following sentence to the first paragraph: Beginning with 2010 model year vehicles or engines, at the time of certification manufacturers shall demonstrate that the emission control devices on their vehicles or engines will not exceed a valid failure rate of 4% or 50 vehicles, whichever is greater, in an engine family, test group or subgroup over the useful life of the vehicles or engines they are installed in. If any emission control device fails at this rate, that constitutes a violation of these test procedures and it entitles the Executive Officer of the Air Resources Board to require that the vehicles or engines they are installed in be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174.~~

Beginning with 2010 model year vehicles or engines, at the time of certification manufacturers shall state, based on good engineering judgment and available information, that the emission control devices on their vehicles or engines are durable and are designed and will be manufactured to operate properly and in compliance with all applicable requirements for the full useful life (or allowable maintenance interval) of the vehicles or engines. Also, vehicles and engines tested for certification shall be, in all material respects, substantially the same as production vehicles and engines. If it is determined pursuant to title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174 that any emission control component or device experiences a systemic failure because valid failures for that component or device meet or exceed four percent or 50 vehicles (whichever is greater) in a California-certified engine family or test group, it

constitutes a violation of the foregoing test procedures and the Executive Officer of the Air Resources Board may require that the vehicles or engines be recalled or subjected to corrective action as set forth in title 13 CCR, Division 3, Chapter 2, Article 5, sections 2166 through 2174. Certification applications may not be denied based on the foregoing information provided that the manufacturer commits to correct the violation.

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