

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information

PUBLIC HEARING TO CONSIDER THE "LEV III" AMENDMENTS TO THE CALIFORNIA GREENHOUSE GAS AND CRITERIA POLLUTANT EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND TEST PROCEDURES, AND TO THE ON-BOARD DIAGNOSTIC SYSTEM REQUIREMENTS FOR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES, AND TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR HEAVY-DUTY VEHICLES

Public Hearing Date: January 26-27, 2012
Public Availability Date: February 22, 2012
Deadline for Public Comment: March 8, 2012

At its January 26-27, 2012, public hearing, the Air Resources Board (ARB or Board) approved amendments to the California Code of Regulations, title 13, sections 1900, 1956.8, 1960.1, 1961, 1961.1, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, and 2317; and to the following documents incorporated by reference therein: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as last amended September 27, 2010; "California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," as last amended September 27, 2010; "California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles," as last amended September 27, 2010 ; "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks," as last amended January 22, 1990; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Otto-Cycle Engines," as last amended September 27, 2010; "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," as last amended October 12, 2011; "California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles, " as adopted May 2, 2008; "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels, " as adopted November 2, 1993; and proposed new "Specifications for Fill Pipes and Openings of 2015 and Subsequent Motor Vehicle Fuel Tanks;" and proposed new "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels in 2015 and Subsequent Years."

The Board also approved the adoption of new sections 1961.2 and 1961.3 in the California Code of Regulations, title 13, and new "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test

Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" incorporated by reference therein, and amendment of the following document incorporated by reference therein: "California Non-Methane Organic Gas Test Procedures," as last amended July 30, 2002.

Together, these amendments reduce emissions of criteria pollutants from new light- and medium-duty vehicles by: reducing fleet average emissions from new passenger cars, light-duty trucks, and medium-duty passenger vehicles to super ultra-low-emission vehicle levels by 2025; replacing separate non-methane organic gas (NMOG) and oxides of nitrogen standards (NOx) with combined NMOG plus NOx standards; increasing full useful life durability requirements from 120,000 miles to 150,000 miles, which guarantees vehicles operate longer at these proposed extremely low emission particulate levels; creating a backstop to assure continued production of super-ultra-low-emission vehicles after partial zero-emission vehicles as a category are moved from the Zero-Emission Vehicle program to the LEV III program in 2018; establishing more stringent particulate matter standards for light- and medium-duty vehicles; establishing zero fuel evaporative emission standards for passenger cars and light-duty trucks, and more stringent evaporative standards for medium-duty vehicles; establishing more stringent supplemental federal test procedure (SFTP) standards for passenger cars and light-duty trucks; and, for the first time, requiring medium-duty vehicles to meet SFTP standards. Other minor amendments (e.g., in-use verification testing requirements, reporting requirements, etc.) are proposed to align existing related procedures with the principal amendments.

The amendments also establish more stringent greenhouse gas regulations that: are comprised of three emission standards; a carbon dioxide (CO₂) standard, a methane standard and a nitrous oxide standard; use a footprint-based approach to reduce emissions from new light-duty vehicles and medium-duty passenger vehicles; provide credits for improvements to the vehicle air conditioning system (either from the use of a refrigerant with a low Global Warming Potential or by incorporating improvements to the efficiency of the system); provide credits for technologies that reduce CO₂ emissions but are not measured on the applicable test cycles; and provide credits for technology innovations on the largest of pickup trucks.

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on December 7, 2011, in response to comments received after the Staff Report was published. These modifications include: allowing 2015-2019 MY LEV II vehicles to certify to combined NMOG+NOx standards instead of separate NMOG and NOx standards; allowing manufacturers to meet the phase-in requirements for the LEV III medium-duty vehicle particulate standards based on a percentage of the combined sales of medium-duty vehicles weighing 8,501 to 10,000 pounds gross vehicle weight rating (GVWR) and medium-duty vehicles weighing 10,001 to 14,000 pounds GVWR, rather than separate percentages for the 2 weight classes; allowing early compliance with 150,000-mile SFTP standards for model year 2014 vehicles; requiring LEV III flex-fueled vehicles to

test only on LEV III certification gasoline; allowing interim in-use SFTP emission standards for new certifications through the 2020 model year; adding NMOG+NOx fleet average standards for the 2014 model year; allowing manufacturers to use projected sales data rather than actual sales data to determine the minimum number of LEV III super-ultra-low-emission vehicles they must produce in the 2018 and subsequent model years; allowing vehicles certified to federal standards to be included in the fleet average NMOG+NOx calculation based on the actual standards to which they certify; eliminating the requirement that a manufacturer that elects to pool its emissions -- from vehicles sold in California, with those of other states adopting California's standards under section 177 of the federal Clean Air Act (42 U.S.C. § 7507) -- report that selection to ARB prior to the start of each model year to which that selection applies; revising the provisions for trading evaporative emission fleet-average credits among certain vehicle categories; allowing manufacturers to use projected sales data rather than actual sales data to determine the minimum number of vehicles they must produce in the 2015-2017 model years that meet the proposed evaporative emission standards and base compliance for this requirement upon the average number of vehicles produced over the 2015-2017 time period in lieu of a year-by-year requirement; modifying the section 177 state pooling compliance option to specifically set forth required submittal information and to reduce the Executive Officer notification requirement; allowing optional early compliance in the 2014 model year with the proposed evaporative emission standards; and revising the refueling exemption for incomplete medium-duty vehicles.

Board Resolution 12-11 approved with modifications to sections 1900, 1956.8, 1960.1, 1961, 1961.1, 1961.2, 1961.3, 1965, 1968.2, 1968.5, 1976, 1978, 2037, 2038, 2062, 2112, 2139, 2140, 2145, 2147, 2235, and 2317; and the incorporated test procedures. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2012/leviiiighg2012/leviiiighg2012.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the proposed amendments and new documents set forth in Attachments A through C to the Resolution, including incorporated documents, with the modifications set forth in Attachments D through F to the Resolution after making the modified regulatory language, with such other conforming modifications as may be appropriate, and additional supporting documents and information, available to the public for comment for a period of at least fifteen 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.

A summary of the proposed modifications are attached to this notice as Enclosures A through G.

In the interest of completeness, staff has also added to the rulemaking record and invites comments on the additional documents set forth in Enclosure H to this notice.

Written comments will only be accepted on the modifications identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 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.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Enclosures

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 ARB's website at www.arb.ca.gov.