

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text
and Availability of Additional Documents**

**PROPOSED CALIFORNIA REGULATION AND CERTIFICATION PROCEDURES FOR
LIGHT-DUTY ENGINE PACKAGES FOR USE IN NEW LIGHT-DUTY SPECIALLY-
PRODUCED MOTOR VEHICLES FOR 2019 AND SUBSEQUENT MODEL YEARS**

Public Hearing Date: October 25, 2018

Public Availability Date: April 25, 2019

Deadline for Public Comment: May 10, 2019

At its October 25, 2018, public hearing, the California Air Resources Board (CARB or Board) approved for adoption the proposed sections 2209, 2209.1, 2209.2, 2209.3, 2209.4, 2209.5, 2209.6, 2209.7, 2209.8, 2209.9, and 2209.10, Title 13 of the California Code of Regulations (collectively referred to as the "Proposed Regulation"). These sections would create a process for specially-produced motor vehicle manufacturers to sell low-emitting specially-produced motor vehicles in California. This is achieved by allowing engine manufacturers to certify engine packages that meet California's current LEV standards for new vehicles, which will be made available for specially-produced motor vehicle manufacturers to install into specially-produced motor vehicles. CARB will also issue an Executive Order to specially-produced motor vehicle manufacturers for vehicles with a certified engine package.

At the October 25, 2018, hearing, staff presented the Proposed Regulation to the Board, along with potential 15-day changes that staff was considering developing.¹ The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications

The October 25, 2018, Board resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

¹ As presented to the Board, these potential 15-day changes included definitional changes regarding historical vehicle production numbers and customization options, and potential further changes to provisions regarding the on-board diagnostic system.

<https://ww2.arb.ca.gov/rulemaking/2018/certification-procedures-light-duty-engine-packages-use-new-light-duty-specially>

The modifications to the proposed regulatory text are shown in Attachment A. Modifications to the proposed “California Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles for 2019 and Subsequent Model Years” are shown in Attachment B. New deletions and additions to the proposed language that are made public with this notice are shown in ~~striketrough~~ and underline format, respectively.

In the Final Statement of Reasons, staff will respond to all comments specifically directed at the proposed regulation or to the procedures followed by CARB in proposing or adopting the regulation, which were received on the record during the noticed comment periods. The Administrative Procedure Act (APA) requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachments A and B.

Summary of Proposed Modifications

While this section summarizes the proposed modifications in accordance with APA requirements, it does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. In section 2209.1 (a)(1): Staff is proposing to remove the definition of “ASTM” as this language is not used in the Proposed Regulation and is not necessary. Additional amendments are proposed to reflect the change in numbering of the subsequent definitions.
2. In section 2209.1 (a)(17)(A): Staff is proposing to clarify the definition of a Specially Produced Motor Vehicle. The required original production run (quantity of historic vehicles produced) has been reduced from 500 units to 50 units with the qualification “of a unique body style” added. This means, e.g., that 1964 through 1966 model year Mustangs are considered to be of a “unique body style.” The revised styling of the 1967-1968 mustangs would be another “unique body style.” Similarly, 1967 through 1969 model year Camaros would be another distinct “unique body style.” At least 50 examples would need to have been historically produced, in consecutive model years, with the final production dating back at least 25 years ago, for any unique body style to be eligible for certification as a Specially Produced Motor Vehicle.

This revision from 500 units to 50 units was requested by industry² so that popular vehicles with less than 500 examples originally produced like the 427 Cobra, , GrandSport Corvette, and the GT-40 would be included. However, note that, for example, the Daytona Coupe with its low production numbers (less than 50 examples) and unique body styling (many difference from the Standard Shelby Shelby Cobra) will not qualify under these proposed changes. Limitations on historical production numbers and on design are needed to help CARB staff efficiently and effectively confirm proposed vehicles for certification are actually replica vehicles, rather than one-offs. Without such limitations, staff would need to engage in complex and subjective investigations and determinations regarding the status of each vehicle for which certification is sought. These provisions allow CARB staff to efficiently determine whether vehicles are in fact eligible.

The term “original body lines” was added, with exclusions, to allow for certain customization of the specially produced motor vehicle, while maintaining the recognizable style and proportions of the historically-produced vehicle.

As stated in the Initial Statement of Reasons (ISOR or Staff Report) for this rulemaking (ISOR at page-24), CARB staff still expects that the proposed regulation would result in annual sales of 400 to 500 SPMVs. SPMVs are “lifestyle” vehicles, these vehicles would be expected to displace trips from other vehicles owned. They also are expected to be low-mileage vehicles, given their limited practicality – designed more for sport and nostalgia, they are not “daily driver” type vehicles. SPMVs are also expected to spend most of their lives in garages.

3. In section 2209.2 (i)(1): Staff is proposing a new subsection (1) to be added to address the exemption of the evaporative system purge monitoring for the 2019 through 2022 model years.

Engine manufacturers will demonstrate, at the time of certification, that the evaporative purge system is working and that it is durable. Delaying this requirement will give engine manufacturers more time to develop this monitor and affected vehicles should be limited, based on limited initial demand and lack of production.

4. In section 2209.2 (i)(2): Staff is proposing an option to substitute the incorporation of a capless fuel storage system for evaporative system leak monitoring.

Staff had initially proposed an evaporative system leak monitor that was capable of detecting a leak greater than or equal to a leak caused by a missing fuel cap.

² Letter sent to the California Air Resources Board, from Edelbrock, LLC, dated October 8th 2018, requesting the use of the federal definition of a “replica car” instead of 2209.1 (17)(a).

Engine manufacturers were concerned that an evaporative system leak monitor could not be designed into the software of the stand-alone engine package where fuel tank size, location, construction material, and configuration were all unknowns. A capless fuel storage system would eliminate the possibility of a missing fuel cap. SPMV manufacturers, at the time of certification, will have to demonstrate their capless fuel storage system is sealed and durable, either by providing durability data or documentation that demonstrates that proposed capless fuel storage system has been or is currently used on California certified on-road vehicles.

5. In section 2209.4 (a): Staff is proposing a change in this subsection to correctly identify the respective roles of the National Highway Traffic and Safety Administration and the United States Environmental Protection Agency relating to regulating SPMV manufacturers.
6. In section 2209.9 (b): Staff is proposing a nonsubstantive change in this subsection. "A engine manufacturer" is changed to "An engine manufacturer" in the first sentence.
7. In section 2209.9 (c): Staff is proposing this new subsection be added to address exclusions to the OBD Enforcement Procedures. Section 2209.9 (c)(1) exempts the readiness status for the gasoline evaporative system. Section 2209.9 (c)(2) exempts the gas cap off leak monitor.
8. In California Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles for 2019 and Subsequent Model Years, staff is incorporating by reference ASTM E 29-67. This ASTM was referenced, but erroneously left un-incorporated.

These subsections have been added to protect consumers during a smog check inspection, if these monitors have not completed, a smog check technician will not fail the vehicle based on these subsections.

In addition to the modifications described above, additional modifications correcting grammar, punctuation and spelling have been made throughout the proposed changes. These changes are nonsubstantive.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications consist primarily of definitional and provision clarifications that do not alter the compliance responses. Therefore, no additional environmental analysis or recirculation of the analysis is required.

Additional Documents Added to the Record

In the interest of completeness, staff has also added to the rulemaking record and invites comments on the additional documents:

- American Society of Testing and Materials. ASTM E 29-67 Standard Recommended Practice for Indicating Which Places of Figure are to be Considered Significant in Specified Limiting Values, effective November 1, 1967 (Reapproved 1973). Incorporated by reference in California Certification Procedures for Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles for 2019 and Subsequent Model Years.
- Specialty Equipment Market Association (SEMA). Letter to Jackie Lourenco, Branch Chief, New Vehicle/Engine Programs Branch, Emissions, Compliance, Automotive and Science Division. January 11, 2017
- SEMA. Letter to Jackie Lourenco, Chief, New Vehicle/Engine Programs Branch, Emissions, Compliance, Automotive and Science Division. September 20, 2017
- SEMA. Letter to Richard Corey, Executive Officer. March 30, 2017

These documents are available for inspection by contacting Bradley Bechtold, Regulations Coordinator, at (916) 322-6533.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Richard Muradliyan, Air Resources Engineer, at (626) 575-6798 or Tony Martino, Aftermarket Parts Manager, at (626) 575-6848.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice.

Comments may be submitted by postal mail or by electronic submittal no later than 5:00 p.m. on the due date to the following:

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

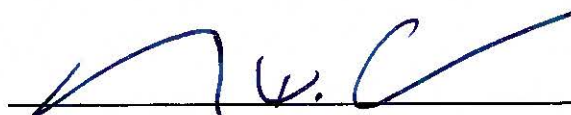
Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal 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 CARB in one of the two forms described above and received by CARB 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.

CALIFORNIA AIR RESOURCES BOARD

A handwritten signature in blue ink, appearing to read 'R. W. Corey', is written over a horizontal line.

Richard W. Corey
Executive Officer

Date: April 25, 2019

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 CARB's website at www.CARB.ca.gov.