

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER THE INCORPORATION OF FEDERAL EXHAUST EMISSION STANDARDS FOR 2008 AND LATER MODEL-YEAR HEAVY-DUTY GASOLINE ENGINES AND THE ADOPTION OF MINOR AMENDMENTS TO THE LOW-EMISSION VEHICLE REGULATIONS

Public Hearing Date: December 12, 2002
Public Availability Date: March 28, 2003
Deadline for Public Comment: April 14, 2003

At a public hearing held December 12, 2002, the Air Resources Board (the Board or ARB) approved amendments to sections 1956.1, 1956.8, 1961, 1965, and 1978, title 13, California Code of Regulations (CCR), and amendments to or adoption of seven ARB documents incorporated by reference in those sections. The amendments will align California exhaust emission standards for heavy-duty Otto-cycle (gasoline) engines with federal standards, require fuel-fired heaters used in conventional vehicles to meet the same requirements as those used in zero-emission vehicles, and modify the allowable maintenance schedule for light- and medium-duty test vehicles. The amendments also include a number of administrative amendments to test procedure documents.

The Board's action. At the conclusion of the hearing, the Board adopted Resolution 02-31, in which it approved the originally proposed amendments with two modifications. These modifications were suggested by staff in response to public comments made to staff after issuance of the original proposal. The text of the suggested modifications was contained in a six-page document entitled "Staff's Suggested Modifications to the Original Proposal," which was distributed at the hearing and was Attachment I to the Resolution. The Resolution and its Attachment I are available on the ARB's Internet site for this rulemaking, www.arb.ca.gov/regact/levhdg02/levhdg02.htm. The Resolution directed the Executive Officer to make the modified text available for a supplemental comment period, after incorporating any conforming modifications as may be appropriate.

The first approved modification will specify in section 1961, title 13, CCR, and in the "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles" that fuel-fired heaters used in conventional vehicles will not be allowed to operate at temperatures above 40°F. While this requirement was clearly the intent of the originally proposed amendments to the regulations (as discussed both in the 45-day "Notice of Public Hearing" and Initial Statement of Reasons for this rulemaking), the requirement was not specifically stated in the proposed amendments to the aforementioned documents.

The second approved modification will extend the limit on high mileage testing of vehicles certifying to the optional 150,000-mile standards specified in section 1961(a)(1), title 13, CCR to 112,500 miles. This is consistent with current requirements contained in the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles” that high-mileage testing be conducted at 75 percent of the full-useful life mileage.

Subsequent to the hearing, the staff identified two post-hearing modifications that are necessary to correct drafting errors in the original LEV II proposal. The first modification is to correct the number of significant figures in two of the 50°F standards. These corrections occur both in title 13, CCR section 1961(a)(4) and section E.1.4 of the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Truck and Medium-Duty Vehicles.” The second modification was to incorporate by reference 40 CFR §1825-01, “Durability demonstration procedures for refueling emissions,” into the “California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles.” These federal durability demonstration procedures were unintentionally omitted in the original “Compliance Assurance Program” (CAP 2000) document.

Modified text being made available. Attachment I to this 15-day notice contains the text of all of the proposed modifications to section 1961, title 13, CCR, and the modified portions of the following incorporated documents:

“California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles,” incorporated by reference in section 1961(d), title 13, CCR; and

“California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” incorporated by reference in section 1978, title 13, CCR.

The *complete* texts of these incorporated documents, with all of the modifications clearly indicated, are available on the ARB’s Internet site for this rulemaking, www.arb.ca.gov/regact/levhdg02/levhdg02.htm. Printed copies are available from Ms. Adriann Medina, Mobile Source Control Division, telephone (626) 459-4405 or fax (626) 575-7012.

Comments and subsequent action. In accordance with section 11346.8 of the Government Code, the Board’s Resolution directed the Executive Officer to amend sections 1956.1, 1956.8, 1961, 1965, and 1978, title 13, CCR, and amend or adopt the incorporated documents, after making the text of 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 regarding the modified text that may be submitted during this period, shall make 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: levhdg02@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by the end of the last day for supplemental comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations will be considered by the Executive Officer.

Robert H. Cross, Chief
Mobile Source Control Division

Attachment