

ATTACHMENT 1

Proposed Additional Modifications to the Text of the “Regulation for a Public Transit Bus Fleet Rule and Emission Standards for New Urban Buses”

NOTE: The following text shows modifications to language in the urban bus regulation that the Air Resources Board (ARB) submitted to California’s Office of Administrative Law (OAL) on December 8, 2000. While the OAL approved the regulation on January 23, 2001, small portions of the regulatory language were rejected by the OAL on this same date. The proposed modifications are shown in ***bold italics underline*** to indicate proposed additional text, and in ***~~bold italics strikeout~~*** to show proposed deleted text. For simplicity, the text as modified through the prior comment period ending August 31, 2000, and as approved by OAL on January 31, 2001, appears here as plain text. Only those portions of the urban bus regulation containing additional proposed modifications are contained in this document. Text of the urban bus regulation not included in this document remains as approved by the OAL on January 23, 2001. Only comments relating to the proposed modifications described in this second notice of modified text can be considered by the Executive Officer.

Amend section 1956.1(a)(11), title 13, CCR, to read as follows:

- (11) 2004-2006 – For diesel-fueled, or dual-fuel, and bi-fuel urban bus engines, the standards are 0.5 g/bhp-hr NO_x, 0.01 g/bhp-hr PM, 0.05 g/bhp-hr NMHC, 5.0 g/bhp-hr CO, and 0.01 g/bhp-hr formaldehyde. As an option, manufacturers may choose to meet the NO_x and PM standards with a base engine that is certified to the standards in paragraph (10) above, equipped with an aftertreatment system that reduces NO_x to 0.5 g/bhp-hr and PM to 0.01 g/bhp-hr standards. The NMHC, CO, and formaldehyde standards in this paragraph (11) shall still apply. Manufacturers shall be responsible for full certification, durability, testing, and warranty and other requirements for the base engine. For the aftertreatment system, manufacturers shall not be subject to the certification durability requirements, or in-use recall and enforcement provisions, but are subject to warranty provisions for functionality.

In addition, engine manufacturers may sell diesel-fueled, dual-fuel, or bi-fuel engines to any transit fleet exempted by the Executive Officer under paragraphs **(c)(8) and** (d)(7) of section 1956.2, Title 13, CCR, from the requirements of paragraphs **(c)(5) and** (d)(4) of section 1956.2, certified to the standards in either paragraphs (9) or (10) above, provided that engines certified to the standards in paragraph (10) must be certified to a 0.01 g/bhp-hr PM standard.

Amend section 1956.2(c)(5), title 13, CCR, to read as follows:

- (5) Transit agencies on the alternative-fuel path shall not purchase any diesel-fueled, dual-fuel, or bi-fuel buses with 2004 – 2006 model year engines certified to emissions levels in excess of those specified in paragraph (a)(11) of section 1956.1, Title 13, CCR, **except as provided in paragraph (c)(8) of this section.**

Add section 1956.2(c)(8), title 13, CCR, to read as follows:

(8) The Executive Officer may exempt transit agencies on the alternative-fuel path from the requirements of paragraph (c)(5) of section 1956.2, Title 13, CCR, provided that:

(A) A transit agency applies to the Executive Officer for such exemption by June 30, 2001;

(B) A transit agency demonstrates to the Executive Officer that it will achieve NO_x emissions benefits through 2015 greater than what would have been achieved through compliance with paragraph (c)(5); and

(C) The Executive Officer finds that transit agencies, after consulting with the Engine Manufacturers Association, have demonstrated, or are contractually committed to demonstrate, advanced NO_x aftertreatment technology.

Amend section 1956.4(g), title 13, CCR, to read as follows:

- (g) Transit agencies exempted from the requirements of paragraphs **s (c)(5) and (d)(4)**, section 1956.2, Title 13, CCR, shall submit annual reports demonstrating that they are achieving NOx emission benefits required in paragraphs **s (c)(8)(B) and (d)(7)(B)**, section 1956.2, Title 13, CCR. The first report shall be submitted by January 31, 2005. Subsequent reports shall be submitted annually by January 31 through the year 2016.

Amend subsection (3)(a)(ix) in the document entitled "California Motor Vehicle Emission Control and Smog Index Label Specifications" incorporated by reference in section 1965, title 13, CCR, to read as follows:

- ix. An unconditional statement of compliance with the appropriate model-year California regulations; for example, "This vehicle (or engine, as applicable) conforms to California regulations applicable to ____ model-year new ____ (for 1992 and subsequent model years, specify TLEV, LEV, ULEV, SULEV, or ZEV, as applicable) (specify motorcycles, passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty Otto-cycle engines, or heavy-duty diesel engines, as applicable)." For federally certified vehicles certified for sale in California the statement must include the phrase "conforms to U.S. EPA regulations and is certified for sale in California." For Class III motorcycles for sale in California, the statement must include the phrase "is certified to ____ HC engine family exhaust emission standard in California." For incomplete light-duty truck and incomplete medium-duty vehicles the label shall contain the following statement in lieu of the above:

"This vehicle conforms to California regulations applicable to ____ model-year new ____ (for 1992 and subsequent model years specify LEV, ULEV or SULEV, as applicable) vehicles when completed at a maximum curb weight of ____ pounds and a maximum frontal area of ____ square feet."

For 1994 through 2002 model year heavy heavy-duty diesel engines, produced before October 1, 2002, to be used in urban buses that are certified to the optional reduced-emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to ____ model year new urban bus engines and is certified to a NOx emission standard of ____ g/bhp-hr (for optional reduced-emission standards specify between 0.5 and 3.5 at 0.5 g/bhp-hr increments for 1994 and 1995 model years, and between 0.5 and 2.5 at 0.5 g/bhp-hr increments for 1996 through 2002 model years produced before October 1, 2002)."

For 2002 through 2003 model year heavy heavy-duty diesel-fueled, dual-fuel, and bi-fuel engines, produced beginning October 1, 2002, to be used in urban

buses that are certified to the optional reduced-emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to _____ model year new urban bus engines and is certified to a NOx plus NMHC optional reduced-emission standard of _____ g/bhp-hr (for optional reduced-emission standards specify between 0.3 and 1.8, inclusive, at 0.3 g/bhp-hr increments, and a particulate matter standard of 0.01 g/bhp-hr)."

This statement shall also be used on 2004 through 2006 model year heavy heavy-duty diesel-fueled, dual-fuel, and bi-fuel engines to be used in urban buses that are certified to the optional reduced-emission standards and are sold to any transit agency exempted under paragraphs **s (c)(8) and** (d)(7), section 1956.2, Title 13, CCR, from the requirements of paragraphs **s (c)(5) and** (d)(4), section 1956.2, Title 13, CCR.

For 2002 through 2006 model year heavy heavy-duty diesel cycle engines produced beginning October 1, 2002, other than diesel-fueled, dual-fuel, and bi-fuel engines, to be used in urban buses that are certified to the optional reduced-emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to _____ model year new urban bus engines and is certified to a NOx plus NMHC optional reduced-emission standard of _____ g/bhp-hr (for optional reduced-emission standards specify between 0.3 and 1.8, inclusive, at 0.3 g/bhp-hr increments, and a particulate matter standard 0.03 g/bhp-hr, 0.02 g/bhp-hr, or 0.01 g/bhp-hr)."

For 1995 through 2002 model year heavy-duty engines produced before October 1, 2002, other than those for use in urban buses, that are certified to the optional reduced-emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to _____ model-year new heavy-duty engines, other than those for use in urban buses, and is certified to a NOx emission standard of _____ g/bhp-hr (for optional reduced-emission standards specify between 0.5 and 3.5 at 0.5 g/bhp-hr increments for 1995 through 1997 model-year diesel engines, between 0.5 and 2.5 at 0.5 g/bhp-hr increments for 1998 through 2002 model-year diesel engines produced before October 1, 2002, between 0.5 and 2.5 at 0.5 g/bhp-hr increments for 1995 through 1997 model-year Otto-cycle engines, and between 0.5 and 1.5 at 0.5 g/bhp-hr increments for 1998 and later model year Otto-cycle engines)."

For 2002 and later model year heavy-duty diesel engines produced beginning October 1, 2002, other than those for use in urban buses, that are certified to the optional reduced-emission standards, the label shall contain the following statement in lieu of the above:

"This engine conforms to California regulations applicable to _____ model-year new heavy-duty engines and is certified to a NO_x plus NMHC optional reduced-emission standard of ____ g/bhp-hr (for optional reduced-emission standards specify between 0.3 and 1.8, inclusive, at 0.3 g/bhp-hr increments, and a particulate matter standard of 0.03 g/bhp-hr, 0.02 g/bhp-hr, or 0.01 g/bhp-hr)."

For heavy-duty diesel engines certified under the requirements of Title 13 California Code of Regulations, § 1956.8 (a)(4), the statement of compliance requirements of this subsection (3)(a)(ix) shall be repeated for each of the two fueling modes of operation. Appended to the statement for the lower emitting fueling model of operation shall be the following sentence:

"This certification is valid only while operating on ____ (indicate the fuel or fuel combination under which this mode of operation was certified) fuel. Operation using any other fueling mode will result in significant increases in exhaust emissions and significantly reduce engine performance."

Manufacturers may elect to use a supplemental label in addition to the original label if there is not sufficient space to include all the required information. The supplemental label must conform to all specifications as the original label. In the case that a supplemental label is used, the original label shall be number "1 of 2" and the supplemental label shall be numbered "2 of 2."