

State of California
AIR RESOURCES BOARD

Resolution 81-53

August 26, 1981

Agenda Item No.: 81-16-1

WHEREAS, Section 39601 of the Health and Safety Code authorizes the Air Resources Board (ARB) to adopt standards, rules, and regulations necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Sections 43101 and 43104 of the Health and Safety Code authorize the Board to adopt new vehicle emission standards and test procedures in order to control or eliminate air pollution caused by motor vehicles;

WHEREAS, Section 43100 of the Health and Safety Code authorizes the Board to certify new motor vehicles and engines;

WHEREAS, Section 43102 of the Health and Safety Code prohibits certification of new vehicles or engines which do not meet the applicable standards and test procedures;

WHEREAS, Section 43151 of the Health and Safety Code prohibits the use or registration of a new motor vehicle or a new vehicle engine which has not been certified as meeting California emission standards;

WHEREAS, the Board has established in Sections 1956.6 and 1956.7 of Title 13, California Administrative Code, exhaust emission standards and test procedures for 1980 and subsequent model heavy-duty engines and vehicles which are generally applicable to engines used in buses;

WHEREAS, such standards require significantly lower emissions of oxides of nitrogen than the equivalent heavy-duty engine standards promulgated by the Environmental Protection Agency;

WHEREAS, hydrocarbons and oxides of nitrogen are precursors of oxidant (smog), oxides of nitrogen emissions contribute to ambient concentrations of nitrogen dioxide, total suspended particles and visibility reducing particles, and oxides of nitrogen are major contributors to acid rain in California;

WHEREAS, the South Coast Air Basin experiences frequent exceedances of the national and state ambient air quality standards for nitrogen dioxide, total suspended particles, and oxidant/ozone (smog) and the state ambient air quality standard for visibility;

WHEREAS, similar exceedances (except for national ambient air quality standard for nitrogen dioxide) occur in most air basins in the state;

WHEREAS, the Southern California Rapid Transit District (RTD) has petitioned the ARB to be allowed to use federally-certified engines rather than California-certified engines in the substantial number of buses it purchases between 1980 and 1982, on the basis of fuel penalty, performance loss, and inability to purchase a specific 30-foot bus with a California engine;

WHEREAS, after considering RTD's petition at a public hearing on August 27, 1980, the Board determined it could not take final action on the record before it and appointed a subcommittee of members Dr. Laurence Caretto and Dr. Alvin Gordon to analyze new information presented by RTD at the hearing, to resolve questions that had arisen at the hearing, and to present a full report to the Board;

WHEREAS, the Legislature is presently considering proposed legislation which would provide that no engine in a bus, as defined in the Health and Safety Code, and used for transporting passengers shall be required to meet emission standards more stringent than those adopted by the Environmental Protection Agency;

WHEREAS, the California Environmental Quality Act and Board regulations require that no activity having significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available;

WHEREAS, the subcommittee of Dr. Caretto and Dr. Gordon has submitted to the Board its report, which concludes that application of the California standards to buses operated by RTD and others is a significant, feasible and cost-effective means of reducing emissions of hydrocarbons plus oxides of nitrogen;

WHEREAS, the Board has scheduled a hearing for September 23, 1981, to consider amending its exhaust emission standards and test procedures for 1981 and subsequent model year heavy-duty engines to establish criteria and procedures under which the Executive Officer may permit the use of federally-certified heavy-duty engines in limited situations when California-certified engines are unavailable;

WHEREAS, the Board has conducted a public hearing to consider the petition submitted by RTD; and

WHEREAS, the Board finds:

That the use of California-certified engines rather than federally-certified engines in the 940 buses recently purchased by RTD would result in a reduction of at least 1.4 tons per day of hydrocarbons plus oxides of nitrogen emissions at a cost of \$0.47 to \$0.53 per pound of pollutant, taking into account fuel penalties, asserted performance penalties and emissions which may arise from diversion of passengers to private automobiles;

That there appear to be 30-foot buses with California engines available to RTD;

That the current exhaust emission standards and test procedures for heavy-duty engines do not permit waivers or exemptions from the standards;

That the California heavy-duty emissions standards are more cost-effective than most stationary source control measures now being considered by air pollution control districts;

That denial of the RTD petition would have no significant adverse environmental impact and therefore no feasible alternatives or mitigation measures are required; and

That requiring emission standards for California buses to be no more stringent than those adopted by the Environmental Protection Agency would ultimately increase hydrocarbon plus oxides of nitrogen emissions statewide by approximately 21.3 tons per day.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby denies the petition of the Southern California Rapid Transit District.

BE IT FURTHER RESOLVED, that if the Board at its September 23 hearing amends the heavy-duty engine standards and test procedures to permit the use of federally-certified engines in limited situations when California-certified engines are unavailable, and the Southern California Rapid Transit District is unable to obtain California-certified engines for its 30-foot buses, the District may seek such relief pursuant to the amended standards and test procedures.

BE IT FURTHER RESOLVED, that the Board urges the Legislature to retain the authority of the Air Resources Board to set more stringent standards for buses in California than applicable federal standards.

I certify that the above is a true and correct copy of Resolution 81-53, as adopted by the Air Resources Board.



Sally Rump, Board Secretary