

State of California
AIR RESOURCES BOARD

Resolution 92-76

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "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, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Section 43018 of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction from vehicular sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date;

WHEREAS, the Legislature in 1988 enacted Section 44011.6 of the Health and Safety Code which directed the Board to develop a test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles;

WHEREAS, Section 44011.6 of the Health and Safety Code further directed the Board to prohibit by regulation the use of heavy-duty motor vehicles which are determined to have excessive smoke emissions or other emissions-related defects and to commence inspecting heavy-duty motor vehicles;

WHEREAS, pursuant to Section 44011.6 of the Health and Safety Code, the Board in November 1990 adopted Sections 2180 through 2187, Title 13, California Code of Regulations, which implemented the test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which established the roadside smoke and emission control system

inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (the "roadside smoke inspection program");

WHEREAS, in Section 43700(d) of the Health and Safety Code, the Legislature has declared that a reduction of emissions from diesel-powered vehicles, to the maximum extent feasible, is in the best interests of air quality and public health;

WHEREAS, the Legislature in 1990 enacted Section 43701(a) of the Health and Safety Code, mandating that the Board adopt regulations which require that owners or operators of heavy-duty diesel motor vehicles perform regular inspections of their vehicles for excessive emissions of smoke (a "periodic smoke inspection program");

WHEREAS, Section 43701(a) of the Health and Safety Code requires that the Board, in adopting the periodic smoke inspection program regulations, specify the inspection procedure, the frequency of inspections, the emission standards for smoke, and the actions the heavy-duty diesel motor vehicle owner or operator is required to take to remedy excessive smoke emissions;

WHEREAS, pursuant to Section 43701(a) of the Health and Safety Code, the staff has proposed the adoption of Sections 2190 through 2194, Title 13, California Code of Regulations, to establish a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets;

WHEREAS, the periodic smoke inspection program regulations proposed by the staff set forth the vehicles to which the self-inspection program would apply and the vehicles exempt from the program; vehicle inspection responsibilities; smoke opacity inspection intervals, test procedures, and standards; and record keeping requirements;

WHEREAS, as required by Section 43701(a) of the Health and Safety Code, the ARB has consulted with the Bureau of Automotive Repair of the Department of Consumer Affairs and the review committee established pursuant to Section 44021(b) of the Health and Safety Code in developing the proposed periodic smoke inspection program regulations;

WHEREAS, the Board recognizes that new and alternative technologies are under development for the measurement and recording of heavy-duty diesel vehicle smoke emissions (i.e., partial flow meters and digital printers);

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

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Excessive smoke emissions from heavy-duty diesel-powered motor vehicles contribute significantly to the serious air pollution problem in this state;

Particulates from the excessive smoke emissions of heavy-duty diesel-powered motor vehicles are a significant source of air contaminants;

Attainment of the state ambient air quality standards cannot be accomplished by the earliest practicable date without the reduction of excessive smoke emissions from heavy-duty diesel-powered vehicles;

While the roadside smoke inspection program has been effective in reducing smoke emissions from heavy-duty vehicles, additional action is required to further reduce excessive smoke emissions from heavy-duty diesel-powered vehicles;

The proposed periodic smoke inspection program will complement the existing roadside smoke inspection program and further reduce excessive smoke emissions from heavy-duty diesel-powered vehicles;

It is necessary and appropriate to adopt the proposed periodic smoke inspection program regulations in order to fulfill the mandate of Health and Safety Code Section 43701(a);

It is necessary and appropriate that the proposed periodic smoke inspection program apply generally to heavy-duty diesel-powered vehicles with gross vehicle weight ratings of 6,001 pounds or more which operate on the streets or highways within the State of California, excluding only those heavy-duty diesel-powered vehicles which are not part of a fleet of two or more vehicles, which are not based in California, or which operate in California under short-term vehicle registrations or permits;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations require heavy-duty diesel-powered vehicle owners to test their vehicles annually for excessive smoke emissions and to repair their vehicles if smoke opacity standards are exceeded;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations utilize the smoke

emission test procedures and smoke opacity standards which were developed and adopted for the roadside smoke inspection program, thereby applying consistent test procedures and standards for the two programs;

It is necessary and appropriate that the proposed periodic smoke inspection program regulations require vehicle owners to record smoke emission test and repair information, to maintain the records for a period of two years, and to permit an ARB inspector to review the inspection records at owner/operator designated fleet locations by appointment, thereby permitting the ARB to monitor and enforce the program;

It is appropriate to provide for an effective date of January 1, 1995 for the proposed periodic smoke inspection program to allow additional time for the potential development and publication of a revised opacity meter sampling methodology for the snap-idle test by a committee of the Society of Automotive Engineers (SAE), to allow additional time for the ARB to study any SAE recommendations and otherwise evaluate new test methods and test instrumentation technology, and to permit the ARB to conduct a public outreach effort to prepare owners and operators of heavy-duty diesel vehicle fleets and the vehicle repair industry for the periodic smoke inspection program.

The proposed periodic smoke inspection program is necessary, cost-effective, and technologically feasible.

WHEREAS, the Board further finds that adoption of the regulations approved herein will not have a significant adverse environmental impact and that the regulations are projected to have a positive air quality impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 2190 through 2194, Title 13, California Code of Regulations, as set forth in Attachment A hereto, with the modifications described in Attachments B and C hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved regulations the modifications described in Attachments B and C hereto, with such other conforming modifications as may be appropriate, and to adopt the regulations after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the regulations to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED that, because the Board finds that the development of new and alternative technologies for the measurement and recording of smoke emissions should be promoted, it encourages equipment manufacturers to

present data to the Board on the development of new and alternative technologies, and its correlation with existing technologies, so that newer instrumentation may be incorporated into the regulations by future modification.

I hereby certify that the above is a true and correct copy of Resolution 92-76, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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Office of the Secretary

OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, 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 he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

Resolution 92-76

December 10, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed new Subchapter 3.6, Sections 2190-2194, Title 13, California Code of Regulations, as attached to the Staff Report released October 22, 1992.

Attachment B: Staff's Suggested Changes to the Original Regulatory Proposal (as distributed at the hearing on December 10, 1992).

Attachment C: Modifications to the Proposed Regulatory Action as Decided at the Board Hearing on December 10, 1992.

Adopt new Subchapter 3.6, Sections 2190-2194, Title 13, California Code of Regulations, to read as follows:

[Note: The entire text of Subchapter 3.6 set forth below is new language proposed to be added to the California Code of Regulations.]

Subchapter 3.6. Heavy-Duty Diesel-Powered Vehicle Periodic Smoke Inspections

2190. Applicability.

- (a) Except as provided in subsections (b), (c), (d), (e) and (f), the requirements of this subchapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings of 6,001 pounds or more which operate on the streets or highways within the State of California.
- (b) Heavy-duty diesel-powered vehicles which are not part of a fleet (as defined in section 2191(a)) are excluded from the requirements of this subchapter.
- (c) Heavy-duty diesel-powered vehicles which are registered under the International Registration Plan as authorized by Article 4 (commencing with section 8050), Chapter 4, Division 3 of the Vehicle Code and which have established a base state other than California (non-California based vehicles) are excluded from the requirements of this subchapter.
- (d) Heavy-duty diesel-powered vehicles which operate in California under the terms of Interstate Reciprocity Agreements as authorized by Article 3 (commencing with section 8000), Chapter 4, Division 3 of the Vehicle Code and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.
- (e) Heavy-duty diesel-powered vehicles operating in California under the terms of any other apportioned registration, reciprocity, or bilateral prorate registration agreement between California and other jurisdictions and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.
- (f) Heavy-duty diesel-powered vehicles operating in California under short-term vehicle registrations or permits of 90 days or less (including but not limited to 90-day temporary registrations and 4-day permits under Vehicle Code section 4004) are excluded from the requirements of this subchapter.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.

2191. Definitions.

- (a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The provisions of this subchapter shall also be governed by the definitions set forth in section 2180.1, Title 13, California Code of Regulations including the following modifications:
- (1) "Fleet" means any group of 2 or more heavy-duty diesel-powered vehicles which are owned or operated by the same agency or entity.
 - (2) "Inspector" means an Air Resources Board employee with the duty of enforcing Health and Safety Code section 43701(a) and Title 13, California Code of Regulations, sections 2190 through 2194.
 - (3) "Test opacity" means the measurement of smoke opacity from a vehicle for the purpose of determining compliance with the standards referenced in section 2193(c).
 - (4) "Test procedure" means the smoke meter test procedure as specified in section 2193(c).

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2192. Vehicle Inspection Responsibilities.

- (a) The owner of a heavy-duty diesel-powered vehicle subject to the requirements of this subchapter shall do all of the following:
- (1) Test the vehicle for excessive smoke emissions periodically according to the inspection intervals specified in section 2193 (a) and (b).
 - (2) Measure the smoke emissions for each test using the test procedure specified in section 2193 (c).
 - (3) Record the smoke test opacity levels and other required test information as specified in section 2194.
 - (4) Have the vehicle repaired if it exceeds the applicable smoke opacity standard specified in section 2193 (c).
 - (5) Record the vehicle repair information as specified in section 2194.

- (6) Conduct a post-repair smoke test to determine if the vehicle complies with the applicable smoke opacity standard.
- (7) Record the post-repair smoke test results as specified in section 2194.
- (8) If the vehicle does not comply with the applicable smoke opacity standard, make additional repairs to achieve compliance, and record the smoke test results as specified in section 2194.
- (9) Keep the records specified in section 2194 for two years after the date of inspection.
- (10) Permit an Air Resources Board inspector to review the inspection records specified in section 2194 at owner/operator designated fleet locations by appointment.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2193. Smoke Opacity Inspection Intervals, Test Procedures, and Standards.

- (a) Vehicles which are subject to the requirements of this subchapter on the effective date of these regulations shall be initially tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 within 90 days of the effective date of these regulations. Vehicles which become subject to the requirements of this subchapter at a time subsequent to the effective date of these regulations shall be initially tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 within 90 days of becoming subject to these regulations.
- (b) After the initial smoke opacity testing under subsection (a), vehicles which are subject to the requirements of this subchapter shall be tested for smoke opacity and repaired (if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 at least every 365 days.
- (c) The smoke opacity test procedure and applicable opacity standards shall be as specified in section 2182(a) to (e), (g), and (h), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, 43013, 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a), and 44011.6, Health and Safety Code.

2194. Record Keeping Requirements.

- (a) The owner of a vehicle subject to the requirements of this subchapter shall record the following information when performing the smoke opacity testing:
- (1) The brand name and model of the opacity meter.
 - (2) The brand name and model of the strip chart recorder.
 - (3) The dates of last calibration of the opacity meter and chart recorder.
 - (4) The name of the smoke meter operator who conducted the test.
 - (5) The name and address of the contracted smoke test facility or vehicle repair facility that conducted the test (if applicable).
 - (6) The applicable smoke opacity standard for the tested vehicle.
 - (7) Vehicle identification number, and test date. Fleet-designated vehicle identification numbers are also acceptable.
 - (8) The initial smoke test opacity levels (for three successive test readings).
 - (9) An indication of whether the vehicle passed or failed the initial smoke test.
 - (10) The post-repair test date.
 - (11) The post-repair smoke test opacity levels (for three successive test readings).
 - (12) An indication of whether the vehicle passed or failed the post-repair smoke test.
 - (13) For vehicles that have failed the smoke test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.

PROPOSED ADOPTION OF NEW REGULATIONS ESTABLISHING A PERIODIC SMOKE SELF-INSPECTION PROGRAM FOR HEAVY-DUTY DIESEL-POWERED VEHICLE FLEETS

Staff's Suggested Changes to the Original Regulatory Proposal

December 10, 1992

1. Program Effective Date: The staff recommends that the regulations be modified to include a provision establishing December 1, 1994 as the effective date for the periodic smoke inspection program regulations.
2. Record Keeping Requirements: The staff recommends that section 2194 of the regulations, "Record Keeping Requirements," be modified to require that vehicle owners record the vehicle's engine year, engine make, and engine model when performing smoke opacity testing.
3. Smoke Opacity Standards for 1974 through 1990 Vehicles: The staff recommends that section 2193 of the periodic smoke inspection program regulations be modified with respect to the smoke opacity standards applicable to 1974 through 1990 vehicles.

Section 2185(b) of the roadside smoke inspection program regulations essentially establishes on a temporary basis an enforcement (penalty assessment) standard of fifty-five (55) percent peak smoke opacity for certain pre-1991 vehicles normally subject to a forty (40) percent standard under section 2182(a). This fifty-five (55) percent enforcement standard for pre-1991 vehicles was initially adopted for one year and is subject to extension by the Executive Officer in one-year increments.

As originally proposed, section 2193(c) of the periodic smoke inspection program regulations incorporated the smoke opacity standards set forth in section 2182 of the roadside smoke inspection program regulations. However, section 2193 did not incorporate the current enforcement standard of fifty-five (55) percent peak smoke opacity contained in section 2185(b) of the roadside program regulations. It has been the intent to enforce (or apply) identical standards under the two programs. Therefore, staff recommends that section 2193 of the periodic smoke inspection program regulations be modified to provide that during the period that a fifty-five (55) percent peak smoke opacity standard is enforced (or applicable) for designated vehicles under section 2185(b), that fifty-five (55) percent standard shall be the applicable standard for the corresponding 1974 through 1990 vehicles under the periodic smoke inspection program.

PROPOSED ADOPTION OF NEW REGULATIONS ESTABLISHING A PERIODIC SMOKE SELF-
INSPECTION PROGRAM FOR HEAVY-DUTY DIESEL-POWERED VEHICLE FLEETS

Modifications to the Proposed Regulatory Action as Decided
at the Board Hearing on December 10, 1992

1. Program Effective Date: The Board voted to modify the regulations to include a provision establishing January 1, 1995 as the effective date for the periodic smoke inspection program. (This Board decision modified the staff's suggested program effective date of December 1, 1994 (see the staff proposal in Attachment B.))
2. Phasing-in Program over First Year: The Board voted to modify the regulations to include a provision which would phase-in the periodic smoke inspection program over a year's period of time as fleets become subject to the program. In general, approximately 25% of a fleet's heavy-duty diesel-powered vehicles would be required to be tested during each quarter of the year (or during each 90-day period) until the entire fleet has been tested.

State of California
AIR RESOURCES BOARD

Resolution 92-77

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "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, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, the Legislature in 1988 enacted Section 44011.6 of the Health and Safety Code which directed the Board to develop a test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which authorized the Board to specify visual or functional inspection procedures to determine the presence of tampering or defective emissions control systems in heavy-duty diesel- or gasoline- powered motor vehicles;

WHEREAS, Section 44011.6 of the Health and Safety Code further directed the Board to prohibit by regulation the use of heavy-duty motor vehicles which are determined to have excessive smoke emissions or other emissions-related defects and to commence inspecting heavy-duty motor vehicles;

WHEREAS, pursuant to Section 44011.6 of the Health and Safety Code, the Board in November 1990 adopted Sections 2180 through 2187, Title 13, California Code of Regulations, which implemented the test procedure for the detection of excessive smoke emissions from heavy-duty diesel motor vehicles and which established the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (the "roadside smoke inspection program");

WHEREAS, the roadside smoke inspection program regulations adopted by the Board in November 1990 set forth the responsibilities of the vehicle driver and the ARB inspector during roadside inspections for excessive smoke emissions, the heavy-duty diesel vehicle smoke opacity test procedure, smoke opacity (emission) standards for the smoke opacity test, the emission control system inspection procedures for heavy-duty diesel- and gasoline-powered vehicles, civil penalty provisions, and other administrative and enforcement provisions for the program;

WHEREAS, the ARB commenced inspecting heavy-duty vehicles under the roadside smoke inspection program in November 1991;

WHEREAS, based upon its experience in administering the roadside smoke inspection program, the staff proposes to amend the regulations to revise the smoke opacity standards applicable to 1991 and subsequent model-year diesel-powered vehicles;

WHEREAS, the staff further proposes to amend the roadside smoke inspection program regulations to revise the requirements relating to information and data which must be submitted to the ARB by manufacturers of heavy-duty diesel-powered engines;

WHEREAS, the Board recognizes that new and alternative technologies are under development for the measurement and recording of heavy-duty diesel vehicle smoke emissions (i.e., partial flow meters and digital printers);

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

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

Excessive smoke emissions from heavy-duty diesel-powered motor vehicles contribute significantly to the serious air pollution problem in this state;

Particulates from the excessive smoke emissions of heavy-duty diesel-powered motor vehicles are a significant source of air contaminants;

Attainment of the state ambient air quality standards cannot be accomplished by the earliest practicable date without the reduction of excessive emissions from heavy-duty diesel-powered vehicles;

The roadside smoke inspection program is an effective in-use inspection and maintenance program in this state for reducing excessive smoke emissions from heavy-duty diesel-powered vehicles;

The roadside smoke inspection program's current smoke opacity standards applicable to 1991 and subsequent model-year vehicles do not take into account a limited number of vehicles from these model-years which may be incapable of meeting these existing standards when in good operating condition and adjusted to manufacturer's specifications;

It is necessary and appropriate to amend the smoke opacity standards for 1991 and subsequent model-year vehicles to be identical to the standards for 1974 through 1990 vehicles, thereby allowing the 1991 and subsequent model-year vehicles which may be incapable of meeting the existing standards to be subject to technologically appropriate smoke opacity standards;

Additional amendments relating to the information and data which must be submitted to the ARB by manufacturers of heavy-duty diesel-powered engines facilitate the ability of the ARB to determine the appropriate smoke opacity standards applicable to particular vehicles under the roadside smoke inspection program;

It is necessary for the health, safety, or welfare of the people of the state that the amended regulations apply to small business;

The amendments to the regulations are necessary, cost-effective, and technologically feasible.

WHEREAS, the Board further finds that the adoption of the amendments to the regulations approved herein will not have a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Sections 2180 through 2187, Title 13, California Code of Regulations, as set forth in Attachment A hereto, with the modifications described in Attachment B hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved amendments the modifications described in Attachment B hereto, with such other conforming modifications as may be appropriate, and to adopt the amendments approved herein after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications as may be submitted during this period, shall make additional modifications if deemed appropriate after consideration of supplemental comments received, and shall present the

regulations to the Board for further consideration if he determines this is warranted.

BE IT FURTHER RESOLVED that, because the Board finds that the development of new and alternative technologies for the measurement and recording of smoke emissions should be promoted, it encourages equipment manufacturers to present data to the Board on the development of new and alternative technologies, and its correlation with existing technologies, so that newer instrumentation may be incorporated into the regulations by future modification.

I hereby certify that the above is a true and correct copy of Resolution 92-77, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary

RECEIVED BY
Office of the Secretary

OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, 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 he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

Resolution 92-77

December 10, 1992

Identification of Attachments to the Resolution

Attachment A: Proposed amendments to Sections 2180-2187, Title 13, California Code of Regulations, as attached to the Staff Report released October 22, 1992.

Attachment B: Staff's Suggested Changes to the Original Regulatory Proposal (as distributed at the hearing on December 10, 1992).

PROPOSED REGULATION ORDER

Note: Proposed new language added to existing regulation text is shown in underline and proposed deletions from existing regulation text are shown in ~~strikeout~~.

PROPOSED AMENDMENTS TO THE REGULATIONS GOVERNING THE ROADSIDE SMOKE AND EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR IN-USE HEAVY-DUTY DIESEL- AND GASOLINE-POWERED VEHICLES

- | | |
|----------------|---|
| Section 2180 | - Applicability |
| Section 2180.1 | - Definitions |
| Section 2181 | - Responsibilities During Inspection Procedure |
| Section 2182 | - Heavy-Duty Diesel Vehicle Smoke Opacity Test Procedure |
| Section 2183 | - Heavy-Duty Vehicle Emission Control System Inspection |
| Section 2184 | - Refusal to Submit to Inspection Procedure |
| Section 2185 | - Civil Penalty Schedule |
| Section 2186 | - Demonstration of Correction and Post-Repair Test Inspection |
| Section 2187 | - Vehicles Removed From Service |

**Heavy-Duty Vehicle Roadside Inspection Program
California Code of Regulations-Title 13**

Subchapter 3.5. Heavy-Duty Diesel Smoke Emission Test Procedure, and Heavy-Duty Vehicle Emission Control System Inspections

2180. Applicability.

- (a) This subchapter applies to all diesel-powered and gasoline-powered heavy-duty vehicles, including pre-1974 model-year vehicles, operating in the State of California.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2180.1 Definitions.

- (a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The following definitions shall govern the provisions of this subchapter.
- (1) "Basic penalty" means the reduced civil penalty of five hundred dollars (\$500) for a test procedure or emission control system inspection violation that is deposited in the Vehicle Inspection and Repair Fund.
 - (2) "Certification level" means the opacity for each 1974 and subsequent model-year heavy-duty diesel-powered engine when tested in accordance with Title 40, Code of Federal Regulations (CFR), Part 86.
 - (3) "Citation" means a legal notice issued to a heavy-duty vehicle's owner, or owner and operator, by the Air Resources Board requiring the owner to repair the vehicle and to pay a civil penalty.
 - (4) "Defective" means an emission control system or an emission control system component that is malfunctioning due to age, wear, malmaintenance, or design defects.
 - (5) "Demonstration of correction" means a repair receipt from a repair facility, a completed work order from a fleet repair or fleet maintenance facility, or successful completion of a post-repair test or inspection.
 - (6) "Driver" has the same meaning as defined in California Vehicle Code section 305.

- (7) "Emission control label" means the label required by the "California Motor Vehicle Emission Control Label Specifications", incorporated by reference in 13 CCR, section 1965, or Title 40, Code of Federal Regulations (40 CFR), section 86.085-35 or 40 CFR Part 86, Subpart A.
- (8) "Emission control system" means the pollution control components on an engine at the time of its engine family certification, including, but not limited to, the emission control label.
- (9) "Executive Officer" means the Executive Officer of the Air Resources Board or his or her designee.
- (10) "Fleet" means three (3) or more heavy-duty vehicles.
- (11) "Full power position" means the throttle position at which the engine fuel delivery is at maximum flow.
- (12) "Heavy-duty vehicle" means a vehicle having a manufacturer's maximum gross vehicle weight rating (GVWR) of 6,001 or more pounds.
- (13) "Inspection procedure" means the test procedure specified in section 2182 and the emission control system inspection specified in section 2183.
- (14) "Inspection site" means an area including a random roadside location, a weigh station, or a fleet facility used for the purpose of conducting the heavy-duty vehicle test procedure, emission control system inspection, or both.
- (15) "Inspector" means an Air Resources Board employee whose primary duty is enforcing Health and Safety Code section 44011.6 and Title 13, CCR section 2180 et seq.
- (16) "Issuance" means the date the citation is mailed to, or personally handed by an inspector to, the owner.
- (17) "Minimum penalty" means the three hundred dollar (\$300.00) penalty that is to be deposited in the Diesel Emission Reduction Fund for State Energy Resources Conservation and Development Commission (CEC) programs pursuant to Health and Safety Code section 44011.6(h).
- (18) "Officer" means a uniformed member of the Department of the California Highway Patrol.
- (19) "Opacity" means the percentage of light obstructed from passage through an exhaust smoke plume.

- (20) "Owner" means the person registered by the California Department of Motor Vehicles (DMV), or its equivalent in another state, as the owner of the vehicle.
- (21) "Post-repair inspection" means a repeat emission control system inspection procedure for the purpose of determining compliance of a cited vehicle.
- (22) "Post-repair test" means a repeat test procedure for the purpose of determining compliance of a cited vehicle.
- (23) "Remove from service" means the towing and storage of a vehicle under the auspices of the Department of the California Highway Patrol.
- (24) "Repair facility" means any place where heavy-duty vehicles are repaired, rebuilt, reconditioned, or in any way maintained for the public at a charge, and fleet maintenance facilities.
- (25) "Schoolbus" means the same as defined in California Vehicle Code section 545.
- (26) "Smokemeter" means a detection device used to measure the opacity of smoke in percent opacity.
- (27) "Snap-idle cycle" means rapidly depressing the accelerator pedal from normal idle to the full power position, holding the pedal in this position for no longer than ten seconds or until the engine reaches maximum speed, and fully releasing the pedal so that the engine decelerates to normal idle.
- (28) "Tampered" means missing, modified, or disconnected.
- (29) "Test opacity" means the smokemeter measurement of opacity for the purpose of determining compliance with section 2182(a) through 2182(f)(d).
- (30) "Test procedure" means the preconditioning sequence and smoke opacity measurement processes for determining compliance with section 2182.
- (31) "Uncleared citation" means a citation for which demonstration of correction and, if required, payment of any civil penalty, has not been made.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

2181. Responsibilities During Inspection Procedure.

- (a) The driver of a heavy-duty diesel vehicle selected to undergo the inspection procedure shall do all of the following:
 - (1) Drive the vehicle to the inspection site upon direction of an officer.
 - (2) Perform the test procedure upon request by an inspector.
 - (3) Open the vehicle door so that the inspector can observe the driver depress the accelerator pedal.
 - (4) Permit an emission control system inspection upon the request of the inspector.
 - (5) Sign the citation to acknowledge its receipt and the smoke test strip chart to acknowledge performance of the test procedure.

- (b) The driver of a heavy-duty gasoline vehicle selected to undergo the inspection shall:
 - (1) Drive the vehicle to the inspection site upon direction of an officer.
 - (2) Permit an emission control system inspection upon request of the inspector.
 - (3) Sign the citation to acknowledge its receipt.

- (c) The inspector in performing the inspection procedure shall do all of the following:
 - (1) Advise the driver that refusal to submit to the inspection procedure is a violation of these regulations.
 - (2) Obtain engine identification information from a vehicle when tested pursuant to section 2182 ~~(j)~~(h) to determine which opacity standard specified in section 2182(a) through 2182~~(d)~~(b) would apply.
 - (3) Issue a copy of the citation to the driver of a vehicle that fails the test procedure or the emission control system inspection.

- (4) Issue a warning to the owner of a heavy-duty diesel-powered vehicle missing its emission control label that the engine serial or identification number must be provided to the ARB within thirty (30) calendar days or it will be conclusively presumed that the vehicle has a certification level equal to or less than thirty-five (35) percent peak smoke opacity.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 305, Vehicle Code.

2182. Heavy-Duty Diesel Vehicle Smoke Opacity Test Procedure.

- (a) No 1974 through 1990 or subsequent model-year heavy-duty diesel-powered vehicle with a Federal peak smoke engine certification level of thirty-five (35) percent peak opacity or less operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (e) (c) or (f) (d) below.
- (b) No 1991 heavy-duty diesel-powered vehicle operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (f) below.
- (c) No 1992 or subsequent model-year heavy-duty diesel-powered vehicle operating on the highways within the state of California shall exceed forty (40) percent peak smoke opacity when tested in accordance with this section.
- (d) (b) No other heavy-duty diesel-powered vehicle operating on the highways within the state of California, including pre-1974 model-year vehicles shall exceed fifty-five (55) percent peak smoke opacity when tested in accordance with this section unless its engine is exempted under subsection (e) (c) or (f) (d) below.
- (e) (c) The Executive Officer shall exempt from the operation of subsections (a) and (d) (b) above any engine family that he/she determines exhibit snap-idle test results greater than forty (40) percent under (a) or fifty-five (55) percent under (d) (b) when in good operating condition and adjusted to manufacturer's specifications. Such engine family(s) must comply with the technologically appropriate higher opacity standard determined by the Executive Officer from a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.
- (f) (d) The Executive Officer shall exempt from the operation of subsections (a), (b), and (d) (b) above any 1991 and earlier

model-year heavy-duty diesel vehicles equipped with carryover add-on aftermarket turbocharger kits approved by the ARB, that he/she determines exhibit snap-idle test results greater than forty (40) percent under (a) or (b) or fifty-five (55) percent under (d) (b) when in good operating condition and adjusted to manufacturer's specifications. Such vehicles must comply with the technologically appropriate higher opacity standard determined by the Executive Officer from a review of the data obtained from engines in good operating condition and adjusted to manufacturer's specifications.

- (g) (e) In the event that a 1974 or later model-year heavy-duty diesel-powered vehicle's engine identification cannot be obtained by the inspector in order to determine the Federal smoke certification level, the owner, within thirty (30) calendar days of the inspection, shall provide the ARB with the engine identification information. If the owner fails to comply with this requirement, it is conclusively presumed for the purpose of subsequently performing the test procedure that the vehicle has a Federal peak smoke certification level equal to or less than thirty-five (35) percent peak smoke opacity and that the peak smoke opacity standard is forty (40) percent.
- (h) (f) Manufacturers of heavy-duty diesel-powered engines shall within sixty (60) calendar days of the effective date of this regulation provide to the ARB the certification levels by model-year for each engine family that it has certified to levels above thirty-five (35) percent peak opacity and a complete list of engine identification numbers for each of these engine families within sixty (60) calendar days after receiving Federal or California engine certification approval. Manufacturers shall further provide to the ARB engine emissions data as necessary for the Executive Officer to make exemption determinations and determinations of technologically appropriate higher opacity standards under subsections (c) or (d) above within sixty (60) calendar days after receiving Federal or California engine certification approval.
- (i) (g) The smoke opacity measurement equipment shall consist of a light extinction type smokemeter which includes an optical detection unit, a control/indicator unit, and a strip chart recorder.
- (1) The smokemeter shall comply with the specifications provided in the Society of Automotive Engineers (SAE) procedure J1243, "Diesel Emission Production Audit Test Procedure," May 1988, which is incorporated herein by reference, section 7.4 and shall be calibrated according to specifications in SAE procedure J1243, section 8.2.
 - (2) The strip chart recorder shall comply with specifications in SAE procedure J1243, section 7.5, subsections 1 - 4 (May 1988).

{j} (h) The test procedure shall consist of preparation, preconditioning, and test phases:

- (1) In the preparation phase, the vehicle shall be placed at rest, the transmission shall be placed in neutral, and the vehicle wheels shall be properly restrained to prevent any rolling motion.
- (2) In the preconditioning phase, the vehicle shall be put through a snap-idle cycle two or more times until two successive measured smoke levels are within ten (10) opacity percent of each other. The smoke meter shall be rechecked prior to the preconditioning sequence to determine that its zero and span setting are adjusted according to specifications in SAE procedure J1243, section 8.1 (May 1988).
- (3) In the test procedure phase, the vehicle shall be put through the snap-idle cycle three times.
- (4) The opacity shall be measured during the preconditioning and test phases with a smokemeter and shall be recorded continuously on the chart recorder during each snap-idle cycle. The maximum instantaneous value recorded by the chart recorder shall be the opacity reading.
- (5) The test opacity to determine compliance with (a) through {d} (b) above shall be the average of the two meter readings with the least difference in opacity values. If all three readings have successive equivalent differences between them, the test opacity shall be the average of the three readings.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2183. Heavy-Duty Vehicle Emission Control System Inspection.

- (a) The heavy-duty diesel-powered vehicle emission control components subject to inspection for tampered or defective conditions include, but are not limited to, the following:
 - (1) The engine governor.
 - (2) Any seals and/or covers protecting the air-fuel ratio adjustments.
 - (3) Any fuel injection pump seals and covers.
 - (4) The air cleaner and flow restriction indicator.
 - (5) The exhaust gas recirculation valve.

- (6) The particulate matter trap system or catalytic converter system, including pipes and valves.
 - (7) Related hoses, connectors, brackets, and hardware for these components.
 - (8) Engine computer controls, related sensors, and actuators.
 - (9) Emission control label.
 - (10) Any other emissions-related components for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.
- (b) The heavy-duty gasoline-powered vehicle emission control components subject to inspection for tampered or defective conditions, include, but are not limited to, the following:
- (1) The air injection system.
 - (2) The positive crankcase ventilation system.
 - (3) The exhaust gas recirculation system.
 - (4) The catalytic converter, including pipes and valves.
 - (5) The evaporative emission control system.
 - (6) Related hoses, connectors, brackets, and hardware for these components.
 - (7) Engine computer controls, related sensors, and actuators.
 - (8) On-Board Diagnostic (OBD) systems for 1994 and subsequent model year vehicles, if so equipped.
 - (9) Emission control label.
 - (10) Any other emissions-related component for a particular vehicle/engine as determined from the manufacturer's specifications, emission control label, certification data, or published vehicle parts manuals.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code.

2184. Refusal to Submit to Inspection Procedure

- (a) The refusal by an owner or driver of a vehicle to submit to the test procedure in section 2182 or to the emission control system inspection in section 2183 constitutes a failure of the test procedure or inspection, unless the driver is cited by the California Highway Patrol for a violation of California Vehicle Code section 2813.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Sections 305, 505, and 2813, Vehicle Code.

2185. Civil Penalty Schedule.

- (a) The owner of a heavy-duty vehicle that fails the test procedure or the emission controls system inspection, including by refusal to submit, is subject to the following penalty schedule:
 - (1) The owner of a vehicle other than a schoolbus that is cited for the first time and for which demonstration of correction is provided and payment is made within forty-five (45) calendar days from personal or certified mail receipt of the citation shall pay the minimum penalty of three hundred dollars (\$300).
 - (2) The owner of a vehicle that is cited for the first time and for which demonstration of correction is not provided within forty-five (45) calendar days from personal mail or certified mail receipt of the citation shall provide demonstration of correction and pay the minimum penalty of three hundred dollars (\$300) and the basic penalty of five hundred dollars (\$500) for a total of eight hundred dollars (\$800). Schoolbuses are exempt from the three hundred dollar (\$300) minimum penalty for the first violation only.
 - (3) The owner of a vehicle that is cited within one year from the issuance of a previous citation for that vehicle shall within forty-five (45) calendar days from personal or certified mail receipt of the current citation provide demonstration of correction and pay the penalty of one thousand five hundred dollars (\$1,500) and the minimum penalty of three hundred dollars (\$300) for a total of one thousand eight hundred dollars (\$1,800).
- (b) The owner of a pre-1991 vehicle that within one year after the effective date of these regulations exceeds the standard in section 2182 (a), but has a smoke level less than or equal to fifty-five (55) percent peak opacity, shall be advised of that failure, but shall not be required to pay any penalty.

- (1) The Executive Officer shall monitor this phase-in period and may extend the one-year period in one-year increments provided that the Air Resources Board post repair tests show that the level of repair effectiveness in reducing excessive smoke emissions does not justify implementing the 2182 (a) standard. The Executive Officer shall hold a workshop(s) to assist in making this determination.
- (c) If a vehicle fails the test procedure or an emission control system inspection one year or more after the date of its previous failure, the owner of that vehicle shall be subject to the penalty schedule in (a) (1) and (2) above.
- (d) If a bona fide change of vehicle ownership occurs between non-related persons or entities and the vehicle is subsequently cited within one year of the previous citation, the new owner shall be subject to the penalty schedule in (a) (1) and (2) above.
- (e) An owner who has been cited twice or more for tampered emission controls on the same vehicle shall be subject to the penalty in (a) (3) above.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Sections 305, 505, and 545, Vehicle Code.

2186. Demonstration of Correction and Post-Repair Test or Inspection.

- (a) The owner may demonstrate correction of the vehicle by submitting to the Air Resources Board a repair receipt from a repair facility or a completed work order from a fleet repair or maintenance facility which contains the following information:
 - (1) Name, address, and phone number of the facility.
 - (2) Name of mechanic.
 - (3) Date of the repair.
 - (4) Description of component replacement(s), repair(s), and/or adjustment(s).
 - (5) Itemized list of replaced component(s), including description of part, part number, and cost.
- (b) In lieu of submitting a repair receipt or a completed work order, the owner may demonstrate correction of the vehicle by submitting it to a post-repair test or a post-repair inspection.
- (c) The Air Resources Board shall require a post-repair test or inspection whenever:

- (1) a submitted repair receipt or work order does not comply with (a) above;
- (2) a repair receipt or work order appears to be falsified; or
- (3) A second and subsequent failures of the test procedure or an emission control system inspection on the vehicle occur within a one year period.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

2187. Vehicles Removed from Service.

- (a) Vehicles are subject to removal from service by the Department of the California Highway Patrol if requested by the Air Resources Board inspector, and if one or more uncleared citations exist at the time of inspection.
- (b) Upon payment by cashier's check or money order of all unpaid penalties for a vehicle that has been removed from service, the Air Resources Board shall provide the owner, or designee, a release form for presentation to the Department of the California Highway Patrol.
- (c) The release of the vehicle shall be subject to the condition that it be repaired and post-repair tested or inspected within fifteen (15) calendar days.

NOTE: Authority Cited: Sections 39600, 39601, 43013, and 44011.6, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43013, 43018, and 44011.6, Health and Safety Code. Section 505, Vehicle Code.

PROPOSED AMENDMENTS TO THE EXISTING REGULATIONS GOVERNING THE ROADSIDE SMOKE
AND EMISSION CONTROL SYSTEM INSPECTION PROGRAM FOR IN-USE HEAVY-DUTY DIESEL-
AND GASOLINE-POWERED VEHICLES

Staff's Suggested Changes to the Original Regulatory Proposal

December 10, 1992

1. Engine Emissions Data Submission Requirements (Section 2182(f)): Staff originally proposed that engine manufacturers be required to provide to the ARB engine emissions data as necessary for the Executive Officer to make smoke opacity standard exemption determinations and determinations of technologically appropriate higher opacity standards "within sixty (60) calendar days after receiving Federal or California engine certification approval." Staff proposes to modify this requirement to give the Executive Officer the authority to extend the sixty (60) calendar day period upon the request of an engine manufacturer when the engine manufacturer can demonstrate the need for additional time to collect the engine emissions data.

State of California
AIR RESOURCES BOARD

Resolution 92-78

December 10, 1992

Agenda Item No.: 92-19-1

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board" or "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, in Section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the state and, in Sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, in Section 43000.5 of the Health and Safety Code, the Legislature has declared that the burden for achieving needed reductions in vehicle emissions should be distributed equitably among various classes of vehicles, including heavy-duty vehicles, to achieve improvements in both the emissions levels and in-use performance;

WHEREAS, Section 43013 of the Health and Safety Code authorizes the Board to adopt motor vehicle emission standards and in-use performance standards which it finds to be necessary, cost-effective, and technologically feasible;

WHEREAS, Sections 43100 through 43104 of the Health and Safety Code direct the Board to adopt and implement new motor vehicle emission standards and test procedures and authorize the Board to certify new motor vehicle engines and vehicles as meeting the emission standards;

WHEREAS, the Board has adopted "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles" (the "Standards and Test Procedures") in Section 1956.8(b), Title 13, California Code of Regulations, specifying emission standards and test procedures for the certification of heavy-duty diesel engines and vehicles;

WHEREAS, the Standards and Test Procedures include fuel specifications for the certification of heavy-duty diesel engines;

WHEREAS, 40 Code of Federal Regulations Section 86.1313-94(b) provides for the use of low sulfur diesel fuels for exhaust emissions testing and service accumulation in connection with the federal certification of diesel engines;

WHEREAS, Section 2281, Title 13, California Code of Regulations, generally prohibits the sale or supply of vehicular diesel fuel which has a sulfur

content exceeding 500 parts per million by weight in California on or after October 1, 1993;

WHEREAS, the staff has proposed amendments to Section 1958.6(b), Title 13, California Code of Regulations, and the incorporated Standards and Test Procedures to allow as options in the certification of 1993 and subsequent model-year heavy-duty diesel-engines the use of the low sulfur diesel fuels specified in 40 Code of Federal Regulations Section 86.1313-94(b)(2), Table N94-2, and Section 86.1313-94(b)(3), Table N94-3;

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

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code; and

WHEREAS, the Board finds that:

1993 and subsequent model-year diesel-powered vehicles will generally be operating in California on low sulfur diesel fuel during most or all of their useful lives;

It is appropriate that heavy-duty diesel-powered vehicle engines be permitted to utilize low sulfur diesel fuels for exhaust emissions testing and service accumulation in connection with the certification of these engines;

It is appropriate to amend Section 1956.8(b), Title 13, California Code of Regulations, and the incorporated Standards and Test Procedures to allow as options the use of the low sulfur diesel fuels specified in Tables N94-2 and N94-3 of 40 Code of Federal Regulations Section 86.1313-94(b) (or fuels with substantially equivalent specifications approved by the Executive Officer) for exhaust emissions testing and service accumulation in connection with the certification of 1993 and subsequent model-year diesel engines;

WHEREAS, the Board further finds that adoption of the amended regulations set forth in Attachment A will not have a significant adverse environmental impact.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Section 1956.8(b), Title 13, California Code of Regulations, and the incorporated "California Exhaust Emission Standards and Test Procedures for

1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles," as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachment A after making them available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as 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 he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments to the regulations approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, will not cause the California requirements to be inconsistent with Section 202(a) of the Clean Air Act, and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to Section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, if necessary, forward the adopted regulations to the Environmental Protection Agency with a request for confirmation that the proposed regulations are within the scope of an existing waiver of preemption pursuant to Section 209(b) of the Clean Air Act, as appropriate.

I hereby certify that the above is a true and correct copy of Resolution 92-78, as adopted by the Air Resources Board.


Pat Hutchens, Board Secretary

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OCT 22 1993

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-873

WHEREAS, on December 10, 1992, the Air Resources Board (the "Board") conducted a public hearing, to consider adoption of new regulations establishing a periodic smoke self-inspection program for heavy-duty diesel-powered vehicle fleets (Periodic Smoke Inspection), amending existing regulations governing the roadside smoke and emission control system inspection program for in-use heavy-duty diesel- and gasoline-powered vehicles (Roadside Smoke and Emission Control System), and amending the California exhaust emission standards and test procedures for 1985 and subsequent model heavy-duty diesel engines (Standards and Test Procedures);

WHEREAS, following the public hearing, the Board adopted Resolution 92-76, Periodic Smoke Inspection; Resolution 92-77, Roadside Smoke and Emission Control System; and Resolution 92-78, Standards and Test Procedures, in which the Board approved adoption of Title 13, California Code of Regulations, sections 2190 through 2194, and amendments to sections 2180 through 2187, and 1956.8(b), as set forth in Attachment A thereto;

WHEREAS, Resolutions 92-76, 92-77, and 92-78 directed the Executive Officer to incorporate into the approved regulatory adoption and amendments, the modifications approved therein, after making them available to the public for a period of 15 days, 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 he determines that this is warranted;

WHEREAS, the approved regulations were available for public comment for a period of 15 days in accordance with the provisions of Title 1, California Code of Regulations, section 44, with the changes to the originally proposed text clearly indicated; and

WHEREAS, the written comments received during the 15-day comment period have been considered by the Executive Officer and do not require modification nor reconsideration by the Board of the approved regulations.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolutions 92-76, 92-77, and 92-78 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolutions 92-76, 92-77, and 92-78, that the adoption of sections 2190 through 2194, Title 13, California

PROPOSED REGULATION ORDER

Note: Proposed new language is shown in *italics* and proposed deletions are shown in ~~strikeout~~.

Amend section 1956.8(b), Title 13, California Code of Regulations to read as follows:

1956.8. Exhaust Emission Standards and Test Procedures -- 1985 and Subsequent Model Heavy-Duty Engines and Vehicles

(a) [No change]

(b) The test procedures for determining compliance with standards applicable to 1985 and subsequent heavy-duty diesel engines and vehicles are set forth in the "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted April 8, 1985, as last amended July 12, 1991 [*insert date of amendment*], which is incorporated herein by reference.

(c) through (h) [No Change]

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43103 and 43104, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106 and 43204, Health and Safety Code.

PROPOSED

State of California
AIR RESOURCES BOARD

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 1985 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

Adopted: April 8, 1985
Amended: July 29, 1986
Amended: January 22, 1990
Amended: May 15, 1990
Amended: December 26, 1990
Amended: July 12, 1991
Amended: []
Amended: _____

NOTE: This document is printed in a style to indicate amendments to the existing standards and test procedures. The originally proposed amendments made in the present rulemaking are shown in underline to indicate additions to the text and ~~strikeout~~ to indicate deletions. The modifications to the originally proposed amendments made in the present rulemaking are shown in underline italics to indicate additions to the text.

This document incorporates by reference various sections of the Code of Federal Regulations, some with modifications. The symbol "*****" means that the remainder of the federal text for a specific section, which is not shown in these procedures, has been included by reference, with only the printed text changed. The symbols "#####" mean that the remainder of the text of these procedures for a specific section, which is not shown in this amendment document, has not been changed.

On March 12, 1992, the Board approved amendments to various provisions in the test procedures entitled "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Engines and Vehicles." These amendments have not yet been formally approved by the Office of Administrative Law. Therefore, the amended dates listed on the cover page to the test procedures include a bracketed entry to reserve space for this approval date. The specific provision affected by the current proposed regulatory action was not amended in the March 1992 action.

CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR 1985 AND SUBSEQUENT MODEL
HEAVY-DUTY DIESEL-ENGINES AND VEHICLES

86.1313-90 Fuel specifications. April 11, 1989

* * * * *

(b)(2) Except as noted below, petroleum fuel for diesel engines ... shall be used. For 1993 and subsequent model-year diesel-fueled engines, the petroleum fuel used in exhaust emissions testing may meet the specifications in Table N94-2 of 40 Code of Federal Regulations section 86.1313-94(b)(2), as adopted August 21, 1990, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-2. For 1995 and subsequent model-year medium-duty diesel-fueled engines, the petroleum fuel used in exhaust emissions testing may meet the specifications of the general reference fuel in Section 2256 2282 (g)(3), Title 13, California Code of Regulations, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-2.

(b)(3) Except as noted below, petroleum fuel for diesel engines ... shall be used. For 1993 and subsequent model-year diesel-fueled engines, excluding the 1995 and subsequent model-year medium-duty diesel-fueled engines referenced below, the petroleum fuel used in service accumulation may meet the specifications in Table N94-3 of 40 Code of Federal Regulations section 86.1313-94(b)(3), as adopted August 21, 1990, or substantially equivalent specifications approved by the Executive Officer as an option to the specifications in Table N90-3. For 1995 and subsequent model-year medium-duty diesel-fueled engines, diesel fuel representative of commercial diesel fuel which will be generally available through retail outlets shall be used in service accumulation.

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