

AIR RESOURCES BOARD2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812State of California
AIR RESOURCES BOARD**Notice of Decision and
Response to Significant Environmental Issues****Item: PUBLIC HEARING TO CONSIDER REVISING THE TEST PROCEDURE FOR QUALIFYING
A FUEL AS A SUBSTITUTE FUEL FOR A CLEAN FUEL OR AS A NEW CLEAN FUEL****Approved by: Executive Order G-811
Signed: September 17, 1993****Agenda Item No.: 92-17-2****Public Hearing Date: November 12, 1992****Issuing Authority: Air Resources Board****Comment: No comments were received identifying any significant
environmental issues pertaining to this item. The staff report
identified no adverse environmental effects.****Response: N/A****Certified:***Pat Hutchens*
Pat Hutchens
Board Secretary**Date: September 17, 1993****RECEIVED BY
Office of the Secretary****SEP 21 1993****RESOURCES AGENCY OF CALIFORNIA**

State of California
AIR RESOURCES BOARD

Resolution 92-73

November 12, 1992

Agenda Item No.: 92-17-2

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, Health and Safety Code section 43018(a) directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular and other mobile sources in order to accomplish attainment of the state ambient air quality standards at the earliest practicable date;

WHEREAS, in Resolution 90-58, September 28, 1990, the Board approved regulations requiring that low-emission vehicles be included in new vehicle sales and that such clean fuels as may be needed to achieve the low-emission vehicle emission standards be provided at retail;

WHEREAS, to provide flexibility in complying with the low-emission vehicle standards and to allow all fuels to be eligible as clean fuels, the Board allows "new clean fuels" as certification fuels for low-emission vehicles; a new clean fuel is a fuel for which the Board has not set specifications for certifying vehicles but which nonetheless may be used for certifying vehicles;

WHEREAS, to provide flexibility in complying with the requirement to offer clean fuels for sale at retail, the Board allows "substitute fuels" to be offered for sale instead of designated clean fuels; a substitute fuel is an equivalent alternative to a designated clean fuel;

WHEREAS, The Board allows a new clean fuel to be used to certify vehicles or a substitute fuel to be offered only if that fuel, if used in vehicles not designed for it, would not cause those vehicles to emit more pollutants than they emit when using their ordinary fuels;

WHEREAS, the Board allows a new clean fuel or a substitute fuel to be used only if the rate of deterioration of the emission control systems in vehicles that could use the fuel would not be accelerated by that use;

WHEREAS, the Board has adopted the existing test procedure, "California Test Procedure for Evaluating the Emission Impacts of Substitute Fuels or New

Clean Fuels", by which a person may fulfill the requirement of showing no emission increase;

WHEREAS, the Board has not adopted a procedure for making a demonstration regarding the rate of deterioration of emission control systems;

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

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;

WHEREAS, the Board finds that:

The existing test procedure for determining the effects on emissions of a proposed new clean fuel or a proposed substitute fuel should be improved to better ensure that truly acceptable fuels are accepted and truly deficient fuels are rejected;

The existing test procedure does not provide the Executive Officer with adequate control over the quality of the design and conduct of the emission testing program in the test procedure; nor does it provide a mechanism to ensure that a fuel, despite being satisfactory when introduced to the on-road fleet, would not increase emissions from the on-road vehicles of the future;

After it adopted the existing test procedure for new clean fuels and substitute fuels, the Board considered and approved a gasoline test procedure as part of the Phase 2 gasoline regulations; the latter test procedure uses, for alternative gasolines, a test for emission increases that is identical to the improved test proposed for new clean fuels and substitute fuels;

The Phase 2 gasoline test procedure avoids the weaknesses noted in the existing test procedure for substitute and new clean fuels;

The revised test procedure for new clean fuels and substitute fuels is modeled on the gasoline test procedure; also, it includes guidelines for demonstrating the rate of deterioration of emission control systems;

Replacing the existing test procedure with the revised test procedure would not impose regulatory costs on any party or require compliance with any new regulatory requirement;

By making it more likely that fuels that meet the emissions criteria would pass, the revised test procedure may encourage the development of alternative fuels; such development could reduce the costs of the low-emission vehicle and clean-fuels regulations, for persons who must comply with those regulations and for persons who buy complying products; increased costs to the users of fuels are conceivable but very unlikely;

WHEREAS, the Board further finds that:

Section 12 of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" inappropriately fails to require emission demonstrations in all the classes of vehicles that could use a proposed new clean fuel; and

The citation of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles" in California Code of Regulations Section 1960.1 should be changed to reflect the date of the latest change to those test procedures;

The staff's original proposal (in Attachment A) to amend California Code of Regulations Section 2317(a), to merge separate emission demonstrations for a substitute fuel in low-emission vehicles certified on a primary designated clean fuel and in other vehicles, would be inconsistent with the intent of the Board's "clean fuels" regulations and will be deleted;

WHEREAS, the Board further finds that revising the test procedure would have no adverse environmental effects.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby rescinds "California Test Procedure for Evaluating the Emission Impacts of Substitute Fuels or New Clean Fuels", adopts "California Test Procedure for Evaluating Substitute Fuels and New Clean Fuels", amends section 12 of "California Exhaust Emissions Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles", amends Section 1960.1 and section 2317 of California Code of Regulations, and makes other necessary conforming changes, all as set forth in Attachment A hereto, with the modifications described in Attachment B.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into section 2317 and the approved test procedure 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 test procedure available for public comment for a period of 15 days. 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 test procedure to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulations adopted herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than the applicable federal standards.

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards and test procedures are necessary to meet compelling and extraordinary conditions.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards and test procedures as adopted herein 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, upon adoption, forward the regulations to the Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal 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 92-73, as adopted by the Air Resources Board.

RECEIVED BY
Office of the Secretary

SEP 21 1993

RESOURCES AGENCY OF CALIFORNIA


Pat Hutchens, Board Secretary