

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER TECHNICAL AMENDMENTS TO THE MOTOR VEHICLE EVAPORATIVE AND EXHAUST EMISSIONS TEST PROCEDURES

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of regulatory amendments to the Motor Vehicle Evaporative Emissions Test Procedures, Refueling Emission Test Procedures, and Exhaust Test Procedures. The amendments, collectively referred to as "Streamline Evap," will clarify and modify ARB's current test procedures and will also harmonize them with recently amended federal test procedures. The amendments will not affect the stringency of current exhaust or evaporative emission test procedures or associated emissions standards.

DATE: May 25, 2006

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., May 25, 2006, and may continue at 8:30 a.m., May 26, 2006. This item may not be considered until May 26, 2006. Please consult the agenda for the meeting, which will be available at least 10 days before May 25, 2006, to determine the day on which this item will be considered.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to title 13, California Code of Regulations (CCR), section 1961 and the following test procedure incorporated by reference: "California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted August 5, 1999, as last amended August 4, 2005; 13 CCR section 1976 and the following test procedure incorporated by reference: "California Evaporative Emission

Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” as adopted August 5, 1999; and 13 CCR section 1978 and the following test procedure incorporated by reference: “California Refueling Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles,” adopted August 5, 1999, as last amended September 5, 2003.

Background:

ARB’s Current Evaporative and Exhaust Emission Test Procedures

The ARB staff has worked with the automotive industry and with the United States Environmental Protection Agency (U.S. EPA) since 1996 to “streamline” or harmonize ARB and U.S. EPA evaporative emissions-related test procedures to reduce the test burden on manufacturers related to new vehicle certification and in-use vehicle compliance. On December 8, 2005, U.S. EPA adopted a direct final rule which, effective February 6, 2006, amended the federal evaporative and refueling emissions test procedures, dynamometer test provisions, and vehicle labeling regulations applicable to on-road light-duty vehicles, light-duty trucks, and heavy-duty vehicles up to 14,000 pounds Gross Vehicle Weight Rating. The comparable California motor vehicle test procedures do not currently reflect the new federal amendments.

The Proposed Amendments

Staff is proposing technical amendments to ARB’s motor vehicle exhaust and evaporative emission regulations that would clarify and revise the current test procedures to achieve better harmonization with the recently amended corresponding federal test procedures. These amendments will reduce manufacturers’ certification and in-use vehicle compliance emission testing burden related to evaporative/refueling standards without modifying the stringency of the procedures or the associated standards.

Currently, manufacturers demonstrate certification compliance with the California evaporative emission standards through a series of two specific test procedure sequences: 1) Three-Day Diurnal plus High-Temperature Hot Soak and Running Loss (3-day diurnal); and 2) Supplemental Two-Day Diurnal plus Hot Soak (2-day diurnal). The following is a summary of staff’s proposed amendments, all of which are consistent with the recent federal amendments:

- *Optional waiver of the 2-day diurnal test for certification*

The primary purpose of the 2-day diurnal test is to ensure that a vehicle’s carbon canister adequately purges during short trips. The 2-day diurnal test is considered redundant for certification purposes because adequate purge is assured if a vehicle demonstrates compliance with both the 3-day diurnal and the onboard refueling vapor recovery test standards. The proposed amendments would provide manufacturers the option to not perform the 2-day diurnal test for

certification purposes. Manufacturers would still be subject to applicable 2-day diurnal certification standards, and ARB could still perform 2-day diurnal tests for in-use compliance or require manufacturers to perform confirmatory 2-day diurnal tests for certification. Furthermore, a 2-day diurnal test would still be required under the In-Use Verification Program (IUVP).

- *Clarify the provisions for an alternative running loss test method*

The current running loss test procedures allow manufacturers to use an alternative test procedure as long as the alternative is demonstrated to be equivalent or more stringent than the specified procedure. The proposed amendments would align the provisions for alternative procedures for certification confirmatory and in-use compliance tests with the recent federal amendments. The intent of both the federal and proposed California amendments is to encourage manufacturers to develop alternative methods that resolve technical complexities in the current procedures.

- *Modify canister preconditioning procedures*

The proposed amendments would allow manufacturers to use alternative canister preconditioning procedures. The current preconditioning procedure does not provide sufficient flexibility to address complications arising from the inaccessibility of present-day canisters. The proposed changes would provide manufacturers an option to use alternative preconditioning methods that allow evaporative canisters to remain installed in the vehicle throughout the preconditioning procedure.

- *Clarify In-Use Verification Program evaporative test requirements*

The proposed amendments would clarify the IUVP requirements regarding the certified fuel types of in-use vehicles. Specifically, gasoline- and ethanol-fueled in-use vehicles would be required to perform 2-day diurnal tests. Liquefied petroleum gas- and non-dedicated compressed natural gas-fueled IUVP vehicles would be required to perform 3-day diurnal tests.

- *Clarify onboard refueling vapor recovery test procedures*

The proposed amendments would provide manufacturers the option to leave canister vent lines connected to the canister under certain situations during the onboard refueling vapor recovery tests. Such situations can occur, for example, when the vent lines are relatively inaccessible.

- *Four-wheel drive dynamometer provisions*

The number of full-time four-wheel and all-wheel drive vehicles in the statewide fleet has dramatically increased since exhaust emission standards were first

adopted. Ideally, these vehicles should be emission tested on four-wheel drive dynamometers. However, the current test procedures only contain provisions for two-wheel drive dynamometers. The proposed amendments would add provisions specifying that full time four-wheel and all-wheel drive vehicles may be tested on four-wheel drive dynamometers. Other amendments would clarify aspects related to in-use compliance tests and certification confirmatory tests with respect to four-wheel drive vehicles.

- *Vehicle labeling*

Some of the current vehicle label content specifications are outdated. The proposed amendments would eliminate the need to include outdated engine information on the labels, such as a vacuum hose routing diagram, engine tune-up adjustment specifications, and the vehicle emission control bar code. This revision allows more design flexibility, and further aligns the California label regulations with federal label provisions.

COMPARABLE FEDERAL REGULATIONS

Under Title II of the federal Clean Air Act (CAA), U.S. EPA has adopted comprehensive regulations to regulate emissions from new motor vehicles and motor vehicle engines (see 40 CFR Part 86). However, both state law and CAA section 209(b), allow California to establish its own emission standards that are more stringent than comparable federal standards. California's evaporative emission standards are significantly more stringent than the federal standards. The more stringent California standards are necessary to attain the national and state ambient ozone standards, and to fulfill the requirements of state and federal law.

As previously noted, the proposed amendments would align California's exhaust and evaporative emission test procedures with the recently amended federal procedures (70 FR 72917, December 8, 2005). The proposed amendments would not affect any of California's existing exhaust or evaporative emission standards.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed Technical Amendments to the Motor Vehicle Evaporative and Exhaust Emissions Test Procedures."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental

Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing on May 25, 2006.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulatory action may be directed to Ronald Haste, Air Resources Engineer, by e-mail to rhaste@arb.ca.gov or by phone at (626) 450-6145, or to Sharon Lemieux, Manager, by e-mail to scllemieu@arb.ca.gov or by phone at (626) 575-7067.

Further, the agency representative and designated back-up contact persons to whom non-substantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator, (916) 322-4011. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/evap2006/evap2006.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code sections 11346.5(a)(5) and 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to state or local agencies.

The affected businesses that would be required to comply with the proposed amendments are manufacturers that certify new California motor vehicles. In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments are not expected to increase costs, but may result in cost savings because the amended test procedures will streamline and harmonize California's test procedures with existing

federal procedures, thereby allowing manufacturers to reduce the number of emission tests for vehicle certification and the IUVP.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not affect small businesses because the proposed amendments allow for reducing the number of emission tests required for vehicle certification and the IUVP, and these tests are conducted by vehicle manufacturers, none of which are small businesses.

Before taking final action on the proposed regulatory action, the Executive Officer must reasonably determine that no alternative considered by the Executive Officer would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon, May 24, 2006**, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, CA 95814

Electronic submittal : <http://www.arb.ca.gov/lispub/comm/bclist.php> **no later than 12:00 noon, May 24, 2006.**

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon May 24, 2006.**

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39500, 39600, 39601, 39667, 43013, 43018, 43101, 43104, 43105, and 43107 of the Health and Safety Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39500, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43204, and 43205 of the Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

Catherine Witherspoon
Executive Officer

Date: March 28, 2006