

State of California
AIR RESOURCES BOARD

Resolution 98-65

December 10, 1998

Agenda Item No.: 98-14-4

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, 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 responsibility of systematically addressing the serious air pollution problem caused by motor vehicles;

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt motor vehicle emission standards, in-use performance standards, and test procedures, 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 emissions reduction possible from vehicular sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date;

WHEREAS, the amendments proposed by the staff set forth the engine families and vehicles to which the amended regulation would apply; the standards and test procedures; the early-compliance credits; and other definitions and requirements;

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 to 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;

WHEREAS, the Board finds that:

It is necessary and appropriate that the proposed amended regulation require manufacturers to certify on-road motorcycles used in California to the proposed mandatory hydrocarbon plus oxides of nitrogen emission standards, beginning in 2004, to provide for reductions of hydrocarbons and oxides of nitrogen;

It is necessary and appropriate that the proposed amended regulation provide early compliance credit incentives for meeting, prior to 2008, either the proposed model year 2008 hydrocarbon plus oxides of nitrogen standard or the more stringent level of 0.4 gram per kilometer hydrocarbon plus oxides of nitrogen, with such credits to be used in the corporate averaging calculation for determining compliance with the applicable model year 2008 exhaust emission limit; and

It is necessary and appropriate that the proposed amended regulation establish requirements specific to small-volume manufacturers to minimize impacts to these businesses;

WHEREAS, the Board finds that adoption of the proposed amended regulation approved herein will not have a significant adverse environmental impact and that the proposed amended regulation is projected to have a positive air quality impact; and

WHEREAS, the Board further finds that no alternative considered by the Board would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves amendments to section 1958 of title 13, California Code of Regulations, as noticed on October 23, 1998, with the modifications as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments, with the modifications as 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 further modifications as may be appropriate in light of the comments received or as necessary for consistency with the modifications in Attachment A, 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 directs the Executive Officer to: (1) conduct a progress and cost review, on or before December 31, 2006, of the on-road motorcycle manufacturers' efforts to meet the first- and second-tier standards set forth in Attachment A;

(2) determine whether to require small-volume manufacturers to comply with the second-tier standard in accordance with the regulation as amended at a future date; and (3) coordinate with on-road motorcycle industry representatives to identify sources of equipment tampering, better quantify the effects such tampering has on emissions from on-road motorcycles, and determine the most effective ways to reduce such tampering or its impacts on emissions.

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

BE IT FURTHER RESOLVED that the Board hereby finds that separate California emission standards are necessary for small-volume manufacturers as defined in the regulation.

BE IT FURTHER RESOLVED that the Board finds that the California emission standards 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 98-65, as adopted by the Air Resources Board.

Pat Hutchens, Clerk of the Board

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Identification of Attachments to the Resolution

Attachment A: Modifications to the originally noticed proposed amendments, as the modifications were suggested by staff and were directed by the Board at the December 10, 1998 public hearing.