

State of California
AIR RESOURCES BOARD

Resolution 86-94

November 20, 1986

Agenda Item No.: 86-13-3

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

WHEREAS, Sections 43101 and 43102 of the Health and Safety Code authorize the Board to adopt and implement emission standards for new motor vehicles and provide that no new motor vehicle shall be certified by the Board unless the vehicle meets the adopted emission standards;

WHEREAS, in 1981 the Legislature enacted AB 965, which amended Section 43102 of the Health and Safety Code to require the Board to adopt certification and enforcement regulations which will allow a manufacturer to certify in California federally certified light-duty motor vehicles which would otherwise be unavailable in this state, provided that their emissions are offset by the manufacturer's California-certified motor vehicles whose emissions are below the California standards;

WHEREAS, in order to implement AB 965, in 1982 the Board adopted Section 1960.5 and amended Section 2061, Title 13, California Administrative Code, which, as presently amended, establish the incorporated "Guidelines for Certification of 1983 through 1987 Model Year Federally-Certified Light-Duty Motor Vehicles for Sale in California" (the "Guidelines");

WHEREAS, the present Guidelines do not apply to vehicles produced after the 1987 model year;

WHEREAS, the Guidelines impose a ceiling on the percentage of oxides of nitrogen (NOx) offset credits available for light-duty vehicles, derived in 1982 from calculations using the existing optional 0.7 gram per mile (g/mi) NOx standards;

WHEREAS, on April 24, 1986 the Board approved regulatory amendments which will generally phase-out the optional light-duty vehicle NOx standards over five years starting with the 1989 model year, making only the primary 0.4 g/mi NOx standard applicable for gasoline-powered light-duty vehicles;

WHEREAS, on July 24, 1986, the Board approved amendments to the test procedures for certifying passenger cars and light-duty trucks which use revised weight specification terminology now used in the corresponding federal procedures;

WHEREAS, the staff has proposed amendments to the Guidelines and to Sections 1960.5 and 2061, Title 13, California Administrative Code, which would extend the existing program to cover 1988 and subsequent model-year vehicles, change the NOx credit withdrawal limits to reflect implementation of the amendments approved by the Board April 24, 1986 related to the 0.4 g/mi NOx standard, revise the test weight specifications to use revised terminology contained in the amendments approved by the Board July 24, 1986, and delete a reference to an assembly-line testing requirement which has been eliminated;

WHEREAS, the California Environmental Quality Act and Board regulations require that an action not be adopted as proposed where it will have significant adverse environmental impacts and alternatives or feasible mitigation measures to the proposed action are available which would substantially reduce or avoid 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; and

WHEREAS, the Board finds that:

The 1983-1987 model-year program for certification of federally certified light-duty vehicles for sale in California has enabled manufacturers to offer an adequate selection of otherwise unavailable models in California;

Extension of the present program, with the modifications contained in the staff proposal, will assure that manufacturers continue to be able to offer an adequate selection of otherwise unavailable models in California;

It is appropriate and necessary to revise the percentages in the Guidelines of NOx credits available for light-duty vehicles to reflect the amendments related to the 0.4 g/mi NOx standard approved by the Board;

Extension of the present AB 965 program with the proposed modifications is anticipated to result in a cumulative significant adverse environmental impact because of increased emissions of NOx, hydrocarbons, and carbon monoxide;

The measures contained in the program approved herein limit the sale of federally certified vehicles in California to those necessary to satisfy the unavailability problem and mitigate the adverse emissions impact to the maximum extent currently feasible; no additional mitigation measures or alternatives which meet the requirements of AB 965 and would eliminate or substantially further reduce any significant adverse environmental impact are currently available.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Section 1960.5, Title 13, California Administrative Code, as set forth in Attachment A; Section 2061, Title 13, California Administrative Code, as set forth in Attachment B; and "Guidelines for Certification of 1983 and Subsequent Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California," as set forth in Attachment C.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachments A, B, and C after making them available to the public for a period of 15 days, and upon approval by the Office of Administrative Law of the amendments approved by the Board on April 24, 1986 and July 24, 1986, provided that the Executive Officer shall consider such written comments as may be submitted during the 15-day comment 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.

BE IT FURTHER RESOLVED that the Board finds that the regulations with the amendments approved herein, individually and in the aggregate with other California motor vehicle emission regulations, are at least as protective of public health and welfare as comparable federal regulations and are consistent with Section 202(a) of the federal Clean Air Act.

BE IT FURTHER RESOLVED that that the Executive Officer shall forward the amended regulations to the Environmental Protection Agency with a request for confirmation that the amendments are within the scope of an existing waiver, pursuant to Section 209(b)(1) of the Clean Air Act.

I hereby certify that the above is a true and correct copy of Resolution 86-94, as adopted by the Air Resources Board.

for Harold Holmes, Board Secretary
Harold Holmes

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Regulations Regarding Certification of Federally Certified Light-Duty Motor Vehicles for Sale in California

Agenda Item No.: 86-13-3

Public Hearing Date: November 20, 1986

Response Date: January 21, 1987

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item.

The staff report identified a significant adverse environmental effect. The staff anticipates that by the year 2000 the AB 965 regulatory program extended as proposed will result in emission increases of 0.2 ton per day of hydrocarbon, 1.6 tons per day of carbon monoxide, and 1.7 tons per day of oxides of nitrogen statewide. These estimates are based upon projected certification levels and assume that program usage continues at current levels. The calculations and other assumptions for the projections are set forth in Appendix III to the Staff Report.

Response: AB 965 (Health and Safety Code § 43102(b)) mandates the Board to establish a program allowing some new federally certified light-duty vehicle models, otherwise unavailable, to be sold in California where their emissions are offset by new California-certified vehicles with emissions below the applicable standards. The existing program contains a number of elements which to some extent mitigate the potential emission increases. These elements include the credit withdrawal limits and the prohibitions on offsetting among different manufacturers, different vehicle categories, and vehicles powered by different fuels. The Board has been unable to identify any other feasible mitigation measures or available alternatives which would substantially further reduce the adverse environmental impact while at the same time fulfilling the mandate of the Legislature.

Certified: *Arnold Hulmer*
Board Secretary

Date: July 10, 1987

ATTACHMENT A

Amend Section 1960.5, Title 13, California Administrative Code, to read as follows:

1960.5. Certification of 1983 ~~through-1987~~ and Subsequent Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California.

(a) The exhaust emissions from new 1983 ~~through-1987~~ and subsequent model year federally certified passenger cars and light-duty trucks, subject to registration and sold and registered in this state pursuant to Section 43102(b) of the California Health and Safety Code, shall not exceed the applicable federal emissions standards as determined under applicable federal test procedures.

(b) With respect to any new vehicle required to comply with the standards set forth in paragraph (a), the manufacturer's written maintenance instructions for in-use vehicles shall not require scheduled maintenance more frequently than or beyond the scope of maintenance permitted under the test procedures referenced in paragraph (a). Any failure to perform scheduled maintenance shall not excuse an emissions violation unless the failure is related to or causes the violation.

(c) The standards and procedures for certifying in California 1983 ~~through-1987~~ and subsequent model year federally certified light-duty motor vehicles are set forth in "Guidelines for Certification of 1983 ~~through 1987~~ and Subsequent Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~September-16,-1985~~ [insert amendment date], which is incorporated herein by reference.

NOTE: Authority cited: Sections 39601, 43100 and 43102, Health and Safety Code. Reference: Section 43102, Health and Safety Code.

ATTACHMENT B

Amend Section 2061, Title 13, California Administrative Code, as follows:

2061. Assembly-Line Test Procedures -- 1983 and Subsequent Model Years.

New 1983 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles subject to certification and manufactured for sale in California shall be tested in accordance with the "California Assembly-Line Test Procedures for 1983 and Subsequent Model Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," adopted November 24, 1981, as last amended August 21, 1984, which is incorporated herein by reference, including federally certified light-duty motor vehicles, except as provided in "Guidelines for Certification of 1983 ~~through 1987~~ and Subsequent Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~September 16, 1985~~ [insert amendment date], which is incorporated herein by reference.

NOTE: Authority cited: Sections 39515, 39600, 39601 and 43210, Health and Safety Code. Reference: Sections 39002, 39003, 39500, 43101, 43102, 43105, 43210, 43211 and 43212, Health and Safety Code.

State of California

MEMORANDUM

To : Gordon Van Vleck
Secretary
Resources Agency

Date : January 13, 1988

Subject : Filing of Notice
of Decisions of
the Air Resources
Board


Cary Allison
Board Secretary

From : Air Resources Board

Pursuant to Title 17, Section 60007 (b), and in compliance with Air Resources Board certification under Section 21080.5 of the Public Resources Code, the Air Resources Board hereby forwards for posting the attached notice of decisions and response to environmental comments raised during the comment period.

ATTACHMENTS

86-68
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Proposed

State of California
AIR RESOURCES BOARD

GUIDELINES FOR CERTIFICATION OF 1983 THROUGH-1987 AND SUBSEQUENT
MODEL YEAR FEDERALLY CERTIFIED LIGHT-DUTY MOTOR
VEHICLES FOR SALE IN CALIFORNIA

Adopted: July 20, 1982
Amended: September 16, 1983
Amended: December 15, 1983
Amended: September 16, 1985
Amended:

NOTE: These Guidelines are printed to identify proposed changes from the Guidelines as amended September 16, 1985. Language proposed to be added is underlined and language proposed to be deleted is struck out. Headings are underlined in the existing Guidelines and are not new additions. Additions to the original staff proposal accompanying the Staff Report released October 3, 1986 are shown by double underline, and deletions are shown by slashes.

GUIDELINES FOR CERTIFICATION OF 1983 ~~THROUGH 1987~~ AND SUBSEQUENT
MODEL YEAR FEDERALLY CERTIFIED LIGHT-DUTY MOTOR
VEHICLES FOR SALE IN CALIFORNIA

I. APPLICABILITY

These guidelines adopted pursuant to Section 43102(b) of the California Health and Safety Code are applicable to 1983 ~~through 1987~~ and subsequent model year federally certified light-duty motor vehicles proposed for sale in California. These guidelines are not applicable to medium-duty trucks, motorcycles, heavy-duty engines, heavy-duty vehicles, emergency vehicles, or vehicles with engines having a displacement less than 50 cubic inches.

II. DEFINITIONS

For the purposes of these guidelines:

1. "Light-duty motor vehicle" means a vehicle having a manufacturer's maximum gross vehicle weight rating of under 6,001 pounds (California Health and Safety Code Section 39035).
2. "California vehicle" means a motor vehicle originally certified in California by an Executive Order.
3. ~~"Equivalent-inertia-weight-(EIW)" is defined under subparagraph 86.129-79(a), Title 40, Code of Federal Regulations.~~
3. "Loaded Vehicle Weight (LVW)" has the meaning set forth in subparagraph 86.082(b), Title 40, Code of Federal Regulations, as last amended November 2, 1982.
4. "Federal vehicle" means a motor vehicle originally certified federally by a Certificate of Conformity.

5. "Model" means a unique combination of car line, basic engine, and transmission class, or as defined by a manufacturer with the approval of the Executive Officer.
6. "Car Line" means a name denoting a group of vehicles within a make or car division which has a degree of commonality in construction (e.g., body, chassis). Car line does not consider any level of decor or opulence and is not generally distinguished by characteristics as roof line, number of doors, seats, or windows, except for station wagons or light-duty trucks. Station wagons and light-duty trucks are considered to be different car lines than passenger cars.
7. "Basic Engine" means a unique combination of manufacturer, engine displacement, number of cylinders, fuel system (as distinguished by use of carburetor or fuel injection), and catalyst usage.
8. "Transmission Class" means a group of transmissions having the following common features: basic transmission type (manual, automatic, or semi-automatic), number of forward speeds (e.g., manual four-speed, three-speed automatic, two-speed semi-automatic).

III. CERTIFICATION OF FEDERAL VEHICLES

To receive certification for federal vehicle sales in California, a manufacturer shall:

- A. Provide to the Executive Officer evidence of federal certification, and a statement that the model(s) for which certification is requested are not available in California.

- B. Provide a warranty on emissions-related parts in accordance with Sections 2035 et seq., Title 13, California Administrative Code, as they apply to vehicles certified under the primary California standards. However, federal vehicles which are offset by California vehicles certified to a 100,000-mile optional standard shall provide a ten-year/100,000-mile warranty.
- C. Provide: 1) certification emission levels of federal models intended for sale in California, 2) quarterly production reports, by model and engine family, of vehicles intended for sale or sold in California, and 3) other information which the Executive Officer deems necessary to calculate emissions offset credits, emission deficits, or air quality impacts.
- D. Label each vehicle on the assembly-line with the statement "conforms to federal regulations and is certified for sale in California" to distinguish federal vehicles certified for sale in California from other federal and California vehicles.

IV. ASSEMBLY-LINE AND ENFORCEMENT TESTING

- A. All federal vehicles certified and intended for sale in California shall comply with all provisions of the applicable California Assembly-Line Test Procedures, except that:
 - 1. The Executive Officer, at his or her discretion, may accept quality audit emissions data from other sources in lieu of a 2 percent quality audit of federal vehicle production intended for sale in California.

2. Manufacturers which have projected sales of less than 1,000 federal vehicles per model year in California shall be exempt from the 2 percent quality audit requirement. However, such manufacturers shall submit to the Executive Officer any other similar data which may be available.
 3. Data submitted in lieu of 2 percent quality audit data shall be accompanied either by a statement that the data were generated according to California Assembly-Line Test Procedures, or by a description of how the testing and analysis procedures used depart from California Assembly-Line Test Procedures.
 4. ~~The Executive Officer, at his or her discretion, may waive the requirement for 100 percent steady state emissions testing of federal vehicles intended for sale in California in cases where lack of test facilities or other factors would place undue burden on vehicle manufacturers.~~
- B. All federal vehicles certified for sale in California shall be subject to the compliance testing requirements of Title 13, California Administrative Code.

V. OFFSETTING PROCEDURE

- A. Emissions offsetting shall be limited as follows:
1. By manufacturer. A manufacturer shall not trade, sell, transfer, or in any other manner exchange emissions credits with another manufacturer, except that a manufacturer which supplies engines to a vehicle

manufacturer may also supply offsetting emission credits if the vehicle manufacturer's total production for California is less than 200 units per model year.

2. By vehicle category. Vehicle categories are: (a) passenger cars and (b) light-duty trucks (less than 6,001 pounds gross vehicle weight rating). Emission credits from vehicles in one category shall not offset vehicles in the other category.
3. By fuel type. Offsetting shall be conducted only among vehicles with like fuels (e.g., gasoline to gasoline, diesel to diesel, etc.).
4. By durability option. Federal vehicles which are offset by California vehicles certified to the optional 100,000-mile emissions standards must demonstrate 100,000-mile durability, or the equivalent, subject to the approval of the Executive Officer.
5. By model. No federally certified vehicle shall be certified or sold in California if a comparable California model of the same manufacturer is offered in the same model year.
6. By pollutant. Oxides of nitrogen (NOx) and particulates are the only pollutants which may be offset for passenger cars. Hydrocarbons, carbon monoxide, NOx, and particulates may be offset for light-duty trucks. Particulates may be offset for passenger cars and light-duty trucks only for the 1985 model year.

Evaporative hydrocarbons are not eligible for offsets. Total hydrocarbon data shall be compared directly to non-methane hydrocarbon data for purposes of calculating offsets.

- B. Each manufacturer shall submit to the Executive Officer by October 1 of each year, or as soon thereafter as is practicable: (1) an estimate of the emissions credits which it will accrue based upon California certified emissions levels and projected sales of California vehicles; and (2) an estimate of the emissions credits which it will use based upon federal certification emissions levels and estimated sales of federal vehicles in California. These estimates may be changed at any time within the model year, subject to the approval of the Executive Officer. A change shall be deemed approved unless the Executive Officer disapproves the change in writing within 30 days of the Executive Officer's receipt of the change.
- C. Within the bounds of Part A, emissions credits that can be accrued by a California certified vehicle shall be the difference between the applicable California standard and the certification emissions level.

$$\text{Estimated Credits} = \sum_{i=1}^m \text{Calsales}_i (\text{Calstd} - \text{Calcert}_i)$$

Where: m = Number of California engine families certified to a set of California standards (passenger cars, ~~0-3999-pounds-EIW~~ 0-3750 pounds LVW trucks, ~~4000-5999-pounds-EIW~~ 3751-5750 pounds LVW trucks) for a given manufacturer.

Cal sales = Manufacturer's projected sales by engine family.

Cal std = Applicable California standard.

Cal cert = California engine family certification level listed on the Executive Order for the applicable engine family.

- D. Within the bounds of Part A, the emissions required to offset a federal vehicle shall be the difference between the federal certification level and the sales-weighted mean certification level of all California engine families (Cal mean) as of February 1 of the previous model year for passenger cars or the appropriate light-duty truck group as applicable. If a new standard is implemented, an estimated Cal mean shall be determined at 80 percent of the new standard. The estimated Cal mean shall be applicable, for the initial model year under the new standard only.

$$\text{Estimated Withdrawals} = \sum_{j=1}^n \text{Fed sales}_{\downarrow j} (\text{Fed cert}_{\downarrow j} - \text{Cal mean})$$

Where: n = Number of unavailable passenger car and light-duty trucks by model types.

Fed sales = Estimated sales of unavailable federal model types in California for a given model year.

Fed cert = Federal certification level of the engine family containing the unavailable model. Federal certification level shall be taken as the highest level, for each pollutant, of any emission data vehicle in an engine family.

Calmean = Sales weighted mean certification emission level of all California engine families (industry-wide) within the appropriate standards category.

- E. The estimates referred to in Parts B, C, and D shall be updated at the end of the model year production period to final estimates using vehicle production data and, to the extent available, assembly-line emissions data. Within 60 days after the end of the model year production period, the manufacturer shall submit final estimates for the model year.
- F. For the purposes of withdrawals, the 0 to ~~3,999~~ 3,750 lbs. and ~~4,000~~ 3,751 to 5,999 5,750 lbs. EIW LVW groups may be combined for light-duty trucks.
- G. Manufacturers shall individually be limited to withdrawing the following percentages of accrued credits for offsetting federal vehicles:

Passenger Car NOx	-	8%	<u>(1983 through 1988 model years)</u>
<u>Passenger Car NOx</u>	-	16%	<u>(1989 model year)</u>
<u>Passenger Car NOx</u>	-	21% <u>26%</u>	<u>(1990 through 1993 model years)</u>
<u>Passenger Car NOx</u>	-	30%	<u>(1994 and subsequent model years)</u>
Passenger Car Particulate	-	11%	(1985 model year only)
Light-Duty Truck HC	-	74%	
Light-Duty Truck CO	-	17%	
Light-Duty Truck NOx	-	39%	<u>(1983 through 1988 model years)</u>
<u>Light-Duty Truck NOx</u>	-	65%	<u>(1989 model year)</u>
<u>Light-Duty Truck NOx</u>	-	82%	<u>(1990 through 1993 model years)</u>
<u>Light-Duty Truck NOx</u>	-	84%	<u>(1994 and subsequent model years)</u>
Light-Duty Truck Particulate	-	45%	(1985 model year only)

- H. An emission deficit in the final estimate for a model year caused by misjudging sales of California vehicles shall be carried over and offset in the next model year.
- I. A manufacturer with an emission deficit for the same vehicle category for two consecutive model years based on final estimates shall not receive certification under these guidelines for any federal vehicles within that vehicle category produced during a 12-month period commencing 15 days after receipt of written notification from the Executive Officer. The manufacturer shall during the 12-month period offset all emissions deficits accumulated for the vehicle category. The manufacturer shall not receive certification under these guidelines for any federal vehicles within the vehicle category produced after the end of the 12-month period but before all of the accumulated emissions deficits are offset. A manufacturer with an emission deficit existing for the vehicle category after the 12-month period shall be subject to a maximum civil penalty of \$500 per vehicle pursuant to Section 43016 of the Health and Safety Code. The number of federal vehicles on which the penalty shall be calculated shall be computed as follows:

$$\text{No. of federal vehicles} = \frac{\text{Emission deficit after the suspension period}}{\text{Fed assy} - \text{Calmean}}$$

where Fed assy = federal assembly-line or certification emission level of the engine family containing the unavailable model taken as the mean of the engine family quality audit of the preceding model year.

Calmean = sales weighted mean certification emission level of all California engine families within the appropriate standards taken on the preceding model year.

- J. A manufacturer shall be subject to a maximum civil penalty of \$5,000 per vehicle pursuant to Section 43154 of the Health and Safety Code under either of the following situations:
 - a. Sales of federal vehicles in excess of a manufacturer's final estimate regardless of whether or not a deficit was incurred.
 - b. Sales of federal vehicles which under Section V.I. are not entitled to certification under these guidelines.
- K. Vehicles with engine family certification emission levels which are equal to or less than the appropriate 'Calmean' value are not eligible for offsetting.