

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR (See instructions on reverse)

STD. 400 (REV. 2-91)

AGENCY AIR RESOURCES BOARD			AGENCY FILE NUMBER (if any)		
OAL FILE NUMBERS	NOTICE FILE NUMBER 295-0522-12	REGULATORY ACTION NUMBER '96 05 10 01	EMERGENCY NUMBER S	PREVIOUS REGULATORY ACTION NUMBER	
For use by Office of Administrative Law (OAL) only					
RECEIVED FOR FILING ADMINISTRATIVE LAW MAY 2 - '95 Office of Administrative Law			PUBLICATION DATE MAY 12 95 REGULATIONS JUN 1 1996		

ENDORSED FILED IN THE OFFICE OF

96 JUN 19 PM 2:54

Bill Jones
SECRETARY OF STATE

96 MAY 10 PM 1:51

OFFICE OF ADMINISTRATIVE LAW
ENDORSED APPROVED FOR FILING AND PUBLICATION

JUN 1 1996

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE ONBOARD REFUELING VAPOR RECOVERY STANDARDS		TITLE(S) 13	FIRST SECTION AFFECTED 1976	2. REQUESTED PUBLICATION DATE MAY 12, 1995	
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON VICTORIA E. DAVIS		TELEPHONE NUMBER (916) 322-2884	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input checked="" type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 95, 197	PUBLICATION DATE 5/12/95	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S) 13	ADOPT 1978 and the incorporated test procedure.
SECTIONS AFFECTED	AMEND 1976 and the incorporated test procedure.
	REPEAL

2. TYPE OF FILING

Regular Rulemaking (Gov. Code, § 11346)
 Resubmittal
 Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 Emergency (Gov. Code, § 11346.1(b))

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

Print Only
 Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)
March 22, 1996 - April 8, 1996

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

Effective 30th day after filing with Secretary of State **5/19/96**
 Effective on filing with Secretary of State **5/19/96**
 Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY **N/A**

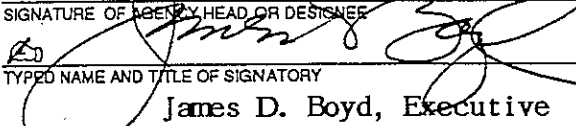
Department of Finance (Form STD. 399)
 Fair Political Practices Commission
 State Fire Marshal

Other (Specify)

6. CONTACT PERSON
Victoria E. Davis, Staff Counsel

TELEPHONE NUMBER
(916) 322-2884

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE


DATE
May 10, 1996

TYPED NAME AND TITLE OF SIGNATORY
James D. Boyd, Executive Officer

Final Regulation Order

Amend Title 13, California Code of Regulations, section 1976, to read as follows:

(Note: The original text of section 1976 set forth below is in normal type. The amended text shown below is in underline to indicate additions and ~~strikeout~~ to show deletions.)

1976. Standards and Test Procedures for Motor Vehicle Fuel Evaporative Emissions.

(a) Fuel evaporative emissions from 1970 through 1977 model passenger cars and light-duty trucks are set forth in Title 40, Code of Federal Regulations, Part 86, Subparts A and C, as it existed on June 20, 1973. These standards are enforced in California pursuant to section 43008 of the Health and Safety Code.

(b)(1) Evaporative emissions for 1978 and subsequent model gasoline-fueled, 1983 and subsequent model liquefied petroleum gas-fueled, and 1993 and subsequent model alcohol-fueled motor vehicles and hybrid electric vehicles subject to exhaust emission standards under this article, except petroleum-fueled diesel vehicles, compressed natural gas-fueled vehicles, hybrid electric vehicles that have sealed fuel systems which can be demonstrated to have no evaporative emissions, and motorcycles, shall not exceed: the following standards.

(A) For vehicles identified below, tested in accordance with the test procedure based on the Sealed Housing for Evaporative Determination as set forth in Title 40, Code of Federal Regulations, sections 86.130-78 through 86.143-90 as they existed July 1, 1989, the evaporative emission standards are:

Vehicle Type	Model Year	Hydrocarbons (1)	
		Diurnal + Hot Soak (grams/test)	50K miles
Passenger cars	1978 and 1979	6.0	
Light-duty trucks		6.0	
Medium-duty vehicles		6.0	
Heavy-duty vehicles		6.0	
Passenger cars	1980 - 1994 (2)	2.0	
Light-duty trucks		2.0	
Medium-duty vehicles		2.0	
Heavy-duty vehicles		2.0	

(1) Organic Material Hydrocarbon Equivalent, for alcohol-fueled vehicles.

(2) Other than hybrid electric vehicles.

(B) For the vehicles identified below, tested in accordance with the test procedure which includes the running loss test, the hot soak test, and the 72 hour diurnal test, the evaporative emission standards are:

Vehicle Type	Model Year	Hydrocarbons (1)	
		Three-Day Diurnal + Hot Soak (grams/test) Useful Life(2)	Running Loss (grams/mile) Useful Life(2)
Passenger cars	1995 and subsequent (3)	2.0	0.05
Light-duty trucks		2.0	0.05
Medium-duty vehicles (6,001-8,500 lbs. GVWR)			
with fuel tanks < 30 gallons		2.0	0.05
with fuel tanks > 30 gallons		2.5	0.05
(8,501-14,000 lbs. GVWR) (4)		3.0	0.05
Heavy-duty vehicles (over 14,000 lbs. GVWR)		2.0	0.05
Hybrid electric passenger cars	1993 and subsequent (5)	2.0	0.05
Hybrid electric light-duty trucks		2.0	0.05
Hybrid electric medium-duty vehicles		2.0	0.05

(1) Organic Material Hydrocarbon Equivalent for alcohol-fueled vehicles.

(2) For purposes of this paragraph, "useful life" shall have the same meaning as provided in section 2112, Title 13, California Code of

Regulations. Approval of vehicles which are not exhaust emission tested using a chassis dynamometer pursuant to section 1960.1, Title 13, California Code of Regulations shall be based on an engineering evaluation of the system and data submitted by the applicant.

- (3) The running loss and useful life three-day diurnal plus hot soak evaporative emission standards (hereinafter "running loss and useful life standards") shall be phased-in beginning with the 1995 model year. Each manufacturer, except small volume manufacturers, shall certify the specified percent (a) of passenger cars and (b) of light-duty trucks, medium-duty vehicles and heavy-duty vehicles to the running loss and useful life standards according to the following schedule:

<u>Model Year</u>	<u>Minimum Percentage of Vehicles Certified to Running Loss and Useful Life Standards*</u>
1995	10 percent
1996	30 percent
1997	50 percent

* The minimum percentage of motor vehicles of each vehicle type required to be certified to the running loss and useful life standards shall be based on the manufacturer's projected California model-year sales (a) of passenger cars and (b) of light-duty trucks, medium-duty vehicles and heavy-duty vehicles. Optionally, the percentage of motor vehicles can also be based on the manufacturer's projected California model-year sales (a) of passenger cars and light-duty trucks and (b) of medium-duty vehicles and heavy-duty vehicles.

Beginning with the 1998 model year, all motor vehicles subject to the running loss and useful life standards, including those produced by small volume manufacturers, shall be certified to the specified standards.

All 1995 through 1997 model year motor vehicles which are not subject to running loss and useful life standards pursuant to the phase-in schedule shall comply with the 50,000-mile standards in effect for 1980 through 1994 model-year vehicles.

- (4) For the 1995 model year only, the evaporative emission standards for complete vehicles in this weight range shall be 2.0 grams/test and compliance with the evaporative emission standards shall be based on the SHED conducted in accordance with the procedures set forth in Title 40, Code of Federal Regulations, sections 86.130-78 through 86.143-90 as they existed July 1, 1989. For the 1995 and subsequent model years, the evaporative emission standards for incomplete vehicles in this weight range shall be 2.0 grams/test

and compliance with the evaporative emission standards shall be based on the test procedures specified in paragraph 4.g. of the "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles."

(5) The running loss and useful life standards for all hybrid electric vehicles shall be effective in the 1993 and subsequent model years.

(C) For vehicles identified below, tested in accordance with the test procedure which includes the hot soak test and the 48 hour diurnal test, the evaporative emission standards are:

<i>Vehicle Type</i>	<i>Model Year</i>	<i>Hydrocarbon (1) Two-Day Diurnal + Hot Soak (grams/test) Useful Life(2)</i>
Passenger cars	1996 and	2.5
Light-duty trucks	subsequent (3)	2.5
Medium-duty vehicles (6,001 - 8,500 lbs. GVWR)		
with fuel tanks < 30 gallons		2.5
with fuel tanks ≥ 30 gallons		3.0
(8,501 - 14,000 lbs. GVWR)		3.5
Heavy-duty vehicles (over 14,000 lbs. GVWR)		4.5
Hybrid electric passenger cars	1996 and	2.5
Hybrid electric light-duty trucks	subsequent (3)	2.5
Hybrid electric medium-duty vehicles		2.5

- (1) Organic Material Hydrocarbon Equivalent for alcohol-fueled vehicles.
- (2) For purposes of this paragraph, "useful life" shall have the same meaning as provided in section 2112, Title 13, California Code of Regulations. Approval of vehicles which are not exhaust emission tested using a chassis dynamometer pursuant to section 1960.1, Title 13, California Code of Regulations shall be based on an engineering evaluation of the system and data submitted by the applicant.
- (3) The two-day diurnal plus hot soak evaporative emission standards (hereinafter "supplemental standards") shall be phased-in beginning with the 1996 model year. Those vehicles certified under the running loss and useful life standards for the 1996 and subsequent model years must also be certified under the supplemental standards.

(2) Evaporative emissions for gasoline-fueled motorcycles subject to exhaust emission standards under this article shall not exceed:

<i>Motorcycle Class</i>	<i>Model Year</i>	<i>Hydrocarbons (grams per test)</i>
Class I and II (50-279cc)	1983 and 1984	6.0
	1985 and subsequent	2.0
Class III (280cc and larger)	1984 and 1985	6.0
	1986 and subsequent	2.0
Class III (280cc and larger) (Optional Standard for Small- Volume Motorcycle Manufacturers)	1986-1988	6.0

(c) The procedure for determining compliance with the standards in subsection (b) above is set forth in "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles," adopted by the state board on April 16, 1975, as last amended September 21, 1994, effective December 15, 1994, April 24, 1996.

(d) Motorcycle engine families certified to 0.2 grams per test or more below the applicable standards shall be exempted from the state board's "Specifications for Fill Pipes and Openings of Motor Vehicle Fuel Tanks" pursuant to section 2235, Title 13, California Code of Regulations.

(e) Small volume motorcycle manufacturers electing to certify 1986, 1987, or 1988 model-year Class III motorcycles in accordance with the optional 6.0 gram per test evaporative emission standard shall submit, with the certification application, a list of the motorcycle models for which it intends to seek California certification and estimate sales data for such models. In addition, each such manufacturer shall, on or before July 1 of each year in which it certifies motorcycles under the optional standard, submit a report describing its efforts and progress toward meeting the more stringent evaporative emission standards. The report shall also contain a description of the manufacturer's current hydrocarbon evaporative emission control development status, along with supporting test data, and shall summarize future planned development work.

(f) For purposes of this section, a small volume motorcycle manufacturer means a manufacturer which sells less than 5,000 new motorcycles per year in California.

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018, 43101, 43104, and 43107, Health and Safety Code. Reference: Sections 39003, 39500, 39667, 43000, 43013, 43018, 43100, 43101, 43102, 43104, and 43107, Health and Safety Code.

Final Regulation Order

Adopt new section 1978, Title 13, California Code of Regulations, to read as follows:

(Note: The entire text of section 1978 set forth below is new language to be added to the California Code of Regulations. The regulation text is shown in normal type.)

1978. Standards and Test Procedures for Vehicle Refueling Emissions.

(a)(1) Vehicle refueling emissions for 1998 and subsequent model gasoline-fueled, alcohol-fueled, diesel-fueled, fuel-flexible, and hybrid electric passenger cars, light-duty trucks, and medium-duty vehicles with a gross vehicle weight rating less than 8501 pounds, shall not exceed the following standards. Gaseous fueled vehicles are exempt from meeting these refueling standards. The standards apply equally to certification and in-use vehicles.

Hydrocarbons (for gasoline-fueled, diesel-fueled, and hybrid electric vehicles): 0.20 grams per gallon of fuel dispensed.

Organic Material Hydrocarbon Equivalent (for alcohol-fueled, fuel-flexible, and hybrid electric vehicles): 0.20 grams per gallon of fuel dispensed.

(2) Vehicles powered by diesel fuel are not required to conduct testing to demonstrate compliance with the refueling emission standards set forth above, provided that all of the following provisions are met:

- (A) The manufacturer can attest to the following evaluation: "Due to the low vapor pressure of diesel fuel and the vehicle tank temperatures, hydrocarbon vapor concentrations are low and the vehicle meets the 0.20 grams/gallon refueling emission standard without a control system."
- (B) The certification requirement described in paragraph (A) is provided in writing and applies for the full useful life of the vehicle.

In addition to the above provisions, the ARB reserves the authority to require testing to enforce compliance and to prevent noncompliance with the refueling emission standard.

Vehicles certified to the refueling emission standard under this provision shall not be counted in the phase-in sales percentage compliance determinations.

(3) The manufacturer shall adhere to the following phase-in schedule, as determined by projected vehicle sales throughout the United States, with the exception of small volume manufacturers.

ORVR Model Year Phase-In Schedule

Class of Vehicle	40% Fleet	80% Fleet	100% Fleet
Passenger Cars	1998	1999	2000
Light-Duty Trucks	2001	2002	2003
Medium-Duty Vehicles (6,001 - 8,500 lbs. GVWR)	2004	2005	2006

(A) Small volume manufacturers are defined for purposes of this regulation as any vehicle manufacturer with California actual sales less than or equal to 3000 new vehicles per model year based on the average number of vehicles sold by the manufacturer in the previous three consecutive model years.

(B) Small volume manufacturers of passenger cars, as defined in (3)(A), are exempt from the implementation schedule in (3) for model years 1998 and 1999. For small volume manufacturers of passenger cars, the standards of (a)(1), and the associated test procedures, shall not apply until model year 2000, when 100 percent compliance with the standards of this section is required. Small volume manufacturers of light-duty trucks and medium-duty vehicles are not exempt from the implementation schedule in (3).

(b) The test procedures for determining compliance with standards applicable to 1998 and subsequent gasoline, alcohol, diesel, and hybrid electric passenger cars, light-duty trucks, and medium-duty vehicles are set forth in the "California Refueling Emission Standards and Test Procedures for 1998 and Subsequent Model Motor Vehicles," adopted April 24, 1996, incorporated herein by reference.

NOTE: Authority cited: Sections 39600, 39601, 39667, 43013, 43018, 43101, and 43104, of the Health and Safety Code. Reference: Sections 39003, 39500, 39667, 43000, 43013, 32018, 43101, 43102, and 43104 of the Health and Safety Code.