State of California
AIR RESOURCES BOARD

Resolution 83-43

December 15, 1983

Agenda Item No. 83-18-3

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, Section 43100 of the Health and Safety Code authorizes the Board to certify new motor vehicles;

WHEREAS, Section 43102 of the Health and Safety Code, as amended in 1981 (stats. 1981, ch. 1185; AB 965), directs the Board to adopt certification and enforcement regulations which will allow a manufacturer to certify in California federally certified light-duty motor vehicles which are unavailable in this state provided that their emissions are offset by the manufacturer's California-certified vehicles whose emissions are below the applicable California standard;

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

WHEREAS, following a July 28, 1983 hearing, the Board adopted amendments extending the original Guidelines through the 1987 model year;

WHEREAS, the Guidelines presently do not provide for offsetting of particulate emissions;

WHEREAS, the California and federal particulate emission standards for 1983 model year light-duty diesel-powered vehicles were identical, but the California particulate emission standard for 1985 model year light-duty diesel-powered vehicles is more stringent than the likely federal standard for the 1985 model year;

WHEREAS, following the Board's direction at the July 28, 1983 hearing, staff has prepared proposed amendments to the Guidelines and to Sections 1960.5 and 2061, Title 13, California Administrative Code, which would allow offsetting of particulate emissions for the 1985 model year with an 11 percent particulate emissions credit limit for diesel-powered passenger cars and a 45 percent particulate emissions credit limit for diesel-powered light-duty trucks;

WHEREAS, the California Environmental Quality Act (CEQA) 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;

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:

Adoption of the amendments proposed by staff providing for particulate emission offsets for the 1985 model year will allow adequate mitigation of model unavailability in 1985; and

Sale of otherwise unavailable federally certified diesel-powered light-duty vehicles pursuant to the amendments adopted herein will result in a slight adverse emissions impact; the measures contained in the Guidelines as amended herein mitigate the adverse emissions impact to the maximum extent currently feasible, and no additional mitigation measures or feasible alternatives which would eliminate or substantially further reduce any significant adverse environmental impact are currently available.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby amends 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 through 1987 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 finds that the regulations as amended herein, individually and in the aggregate with the 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, to the extent a waiver is necessary, the Executive Officer shall forward the adopted and amended regulations to the Environmental Protection Agency with a request for a waiver of federal preemption or for confirmation that they are within the scope of an existing waiver, pursuant to Section 209(b)(1) of the Clean Air Act.

I certify that the above is a true and correct copy of Resolution 83-43, as adopted by the Air Resources Board.

Harold Holmes

Harold Holmes, Board Secretary

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

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

(a) The exhaust emissions from new 1983 through 1987 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 model year federally certified light-duty motor vehicles are set forth in "Guidelines for Certification of 1983 through 1987 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~September 16, 1983~~ December 15, 1983.

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

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 amended May 25, 1983, including federally certified light-duty motor vehicles, except as provided in "Guidelines for Certification of 1983 through 1987 Model Year Federally Certified Light-Duty Motor Vehicles for Sale in California", adopted July 20, 1982, as last amended ~~September 16, 1983~~ December 15, 1983.

NOTE: Authority cited: Sections 39515, 39601, and 43210, Health and Safety Code. Reference: Sections 43102, 43105, 43210, 43211, and 43212, Health and Safety Code.

GUIDELINES FOR CERTIFICATION OF 1983 THROUGH 1987 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 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.
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) <u>and particulates are</u> ~~is~~ the only pollutants which may be offset for passenger cars. Hydrocarbons, carbon monoxide, ~~and~~ NOx, <u>and particulates</u> may be offset for light-duty trucks. <u>Particulates may be offset for passenger cars and light-duty trucks only for the 1985 model year.</u>

Evaporative hydrocarbons ~~and particulates~~ 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.

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 trucks, 4000-5999 pounds EIW trucks) for a given manufacturer.

Calsales = Manufacturer's projected sales by engine family.

Calstd = Applicable California standard.

Calcert = 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 (Calmean) 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 Calmean shall be determined at 80 percent of the new standard. The estimated Calmean shall be applicable, for the initial model year under the new standard only.

$$\text{Estimated Withdrawals} = \sum_{j=1}^{n} \text{Fedsales}_j \, (\text{Fedcert}_j - \text{Calmean})$$

Where:

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

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

Fedcert = 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 corrected at year-end using vehicle production and assembly-line emissions data, if available.

F. For the purposes of withdrawals, the 0 to 3,999 lbs. and 4,000 to 5,999 lbs. EIW 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%	
Passenger Car Particulate	-	11%	(1985 model year only)
Light-Duty Truck HC	-	74%	
Light-Duty Truck CO	-	17%	
Light-Duty Truck NOx	-	39%	
Light-Duty Truck Particulate	-	45%	(1985 model year only)

H. An emission deficit caused by misjudging sales of California vehicles shall be offset in the next model year.

I. Sales of federal vehicles in excess of a manufacturer's final estimate shall cause the manufacturer to be subject to a maximum civil penalty of $5,000 per vehicle pursuant to Section 43154 of the Health and Safety Code, regardless of whether or not a deficit was incurred.

J. Vehicles with engine family certification emission levels which are equal to or less than the appropriate "Calmean" value are not eligible for offsetting.

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider Amendments to Sections 1960.5 and 2061, Title 13, California Administrative Code, and Amendment of the Document Incorporated in those Sections, Regarding Trading of Particulate Emissions for Certification of Federally Certified Light-Duty Motor Vehicles for Sale in California

Agenda Item No.: 83-18-3

Public Hearing Date: December 15, 1983

Response Date: December 15, 1983

Issuing Authority: Air Resources Board

Comment: The staff identified a slight potential increase in particulate emissions of 0.04 tons per day resulting from the proposed action.

Response: To the extent that the potential increase in particulate emissions may be determined to be a significant adverse emissions impact, the proposed action incorporates all feasible mitigation measures. These mitigation measures include permitting offsets only between California and federal in the same category, (e.g., passenger car and truck) produced by the same manufacturer and using the same fuel (gasoline or diesel); basing offset credits on the difference between federal certification levels of the federal vehicles and the mean emission level of the California fleet in the same category or group; limiting use of diesel particulate credits to 11 percent by passenger cars and 45 percent for light-duty trucks; requiring California warranties; and making the federal vehicles subject to the state quality audit and enforcement regulations. No additional mitigation measures or feasible alternatives which would eliminate or substantially further reduce any significant adverse environmental impact are currently available.

CERTIFIED: Harold Holmes E.S.
Board Secretary

Date: August 28, 1984