State of California
AIR RESOURCES BOARD

Resolution 89-79

September 15, 1989

Agenda Item No.: 89-17-1

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 Air Resources Board with the responsibility for systematically attacking 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 emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, the Board has adopted Title 13, California Code of Regulations (CCR), Section 1956.8 and the incorporated "California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel-Powered Engines and Vehicles" and "California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy-Duty Gasoline-Powered Engines and Vehicles"; "California Non-Methane Hydrocarbon Test Procedures"; Title 13, CCR, Section 1965 and the incorporated "California Motor Vehicle Emission Control Label Specifications"; Title 13, CCR, Section 1976 and the incorporated "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Liquefied Petroleum Gas- or Gasoline-Powered Motor Vehicles";

WHEREAS, the staff has proposed amendments to Section 1956.8 of Title 13, California Code of Regulations and the documents incorporated by reference therein, which would provide for the exhaust emission testing and certification of heavy-duty engines and vehicles fueled by compressed natural gas ("CNG") or liquefied petroleum gas ("LPG"), either separately or in combination with petroleum fuels, beginning with the 1991 model year, and which would establish optional heavy-duty engine non-methane hydrocarbon standards commencing in the 1991 model year;

WHEREAS, the staff has proposed amendments to Section 1965 of Title 13, California Code of Regulations and the documents incorporated by reference therein, which would make emission control label specifications applicable to heavy-duty engines and vehicles fueled by CNG or LPG;

WHEREAS, the staff has proposed amendments to Section 1976 of Title 13, California Code of Regulations and the documents incorporated by reference therein, which would make the existing evaporative standards and test procedures applicable to heavy-duty engines and vehicles fueled by LPG;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate 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;

WHEREAS, the Board finds that:

The use in heavy-duty vehicles and engines fueled by CNG or LPG can result in a reduction in air pollution in this state;

The specification of emission standards and certification test procedures for heavy-duty vehicles and engines fueled by CNG or LPG is necessary to allow for the sale and use of such vehicles and engines in California;

The adoption of an effective certification program for heavy-duty vehicles and engines fueled by CNG or LPG will ensure that these vehicles and engines will meet the applicable California model year emission standards necessary to address the serious air pollution problem in this state;

It is technologically feasible and cost-effective for heavy-duty vehicles and engines fueled by CNG or LPG to comply with the emission standards and certification test procedures set forth in Attachments A through F, commencing with the 1990 model year;

The optional non-methane hydrocarbon standards for 1990 and subsequent model year heavy-duty engines as contained in Attachment A are of equivalent stringency to the existing total hydrocarbon standards;

The regulatory action approved herein will not result in any significant adverse environmental impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the amendments to Title 13, California Code of Regulations, Sections 1956.8, 1965, and 1976, and the documents incorporated by reference therein as set forth in Attachments A through F, provided that the Executive Officer shall modify the hydrocarbon density factor in the Nonmethane Hydrocarbon Test Procedures to reflect consideration of nonmethane hydrocarbon only.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the amendments set forth in Attachments A through F as modified after making them available to the public for a period of 15 days, and with such

modifications as may be appropriate in light of written comments submitted during this period, provided that the Executive Officer shall present the regulations to the Board for further consideration if he determines that this is warranted in light of the written comments received.

BE IT FURTHER RESOLVED that the Board hereby determines that the amendments approved herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards, and 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 amendments to the Environmental Protection Agency with a request for a waiver or confirmation that the amendments 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 89-79, as adopted by the Air Resources Board.

Cary Allison, Board Secretary