STATE OF CALIFORNIA
AIR RESOURCES BOARD
2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812

PETE WILSON, Governor

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: PUBLIC HEARING TO CONSIDER THE ADOPTION OF REGULATIONS REGARDING THE CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 1996 AND LATER HEAVY-DUTY OFF-ROAD DIESEL CYCLE ENGINES AND EQUIPMENT ENGINES.

Agenda Item No.: 91-2-1

Public Hearing Date: January 10, 1992

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchens
Pat Hutchens
Board Secretary

Date: 11/6/92

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RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Resolution 92-2

January 10, 1992

Agenda Item No.: 92-2-1

WHEREAS, section 39000 of the Health and Safety Code declares that the people of the State of California have a primary interest in the quality of the physical environment in which they live, and that this physical environment is being degraded by the waste and refuse of civilization polluting the atmosphere, thereby creating a situation which is detrimental to the health, safety, welfare, and sense of well-being of the people of California;

WHEREAS, section 39003 of the Health and Safety Code charges the Air Resources Board ("Board") with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize 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 43000.5 of the Health and Safety Code, the Legislature found and declared that despite significant reductions in vehicle emissions in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality;

WHEREAS, section 43013 authorizes the Board to adopt standards and regulations for the control of contaminants for off-road sources, including construction and farm equipment and other off-road engine categories;

WHEREAS, section 43018 of the Health and Safety Code directs the Board to achieve the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to accomplish the attainment of state standards at the earliest possible date, and to hold hearings to consider adoption of regulations for off-road mobile engines by November 1991;

WHEREAS, section 39515 and 39516 provide that the Board may delegate any duty to the Executive Officer which the Board deems appropriate and that any power, duty, purpose, function, or jurisdiction which the Board may lawfully delegate shall be conclusively presumed to have been delegated to the Executive Officer unless the Board has expressly reserved such authority to itself;

WHEREAS, the staff has proposed adoption of regulations under Title 13, California Code of Regulations Sections 2420, et seq. and procedures and documents to be incorporated by reference therein for 1996 and subsequent model heavy-duty off-road diesel cycle engines, including emission standards, test procedures, emission control labels and specifications, emission control system warranties, enforcement procedures, and compliance testing;

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, pursuant to section 43013(c) of the Health and Safety Code, the Board has considered the effects of the proposed standards on the cost, fuel consumption, and performance characteristics of mobile farm equipment;

WHEREAS, pursuant to section 43013(e) of the Health and Safety Code, the Board has considered the effects of the proposed standards on the economy of the state;

WHEREAS, the Federal Clean Air Act, as amended in 1990, recently became effective, and section 209(e) of that Act requires that the ARB receive authorization from the Administrator of the Environmental Protection Agency (EPA) to adopt and enforce standards relating to the control of emissions from nonroad engines or vehicles;

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:

> Despite advances in reducing emissions from motor vehicles, California still has the most severe air pollution problems in the United States;
>
> It is now necessary, because of these serious pollution problems, to attempt to achieve emissions reductions from sources such as heavy-duty off-road diesel cycle engines, which have previously been unregulated;
>
> The proposed heavy-duty off-road diesel cycle engine regulations are necessary, cost-effective, and technologically feasible to carry out the purposes of the California Clean Air Act;
>
> The proposed regulations for heavy-duty off-road diesel cycle engines will result in emissions reductions that will help attain and maintain national and state ambient

air quality standards for ozone and nitrogen dioxide in rural and urban areas throughout the state;

In authorizing the Board to adopt regulations for heavy-duty off-road diesel cycle engines, the Legislature intended such regulations to be fully enforceable; and

The proposed regulations and procedures for emission control labels, warranties, and other enforcement procedures, including compliance and quality audit testing are necessary to adequately enforce regulations establishing emission standards and test procedures that will reduce emissions for heavy-duty off-road diesel cycle engines and will in and of themselves help to reduce emissions from such sources.

WHEREAS, the Board has determined, in accordance with the California Environmental Quality Act and Board regulations, that the proposed standards and regulations will not have significant adverse environmental impacts; and

WHEREAS, the reporting requirements of the proposed regulations which apply to small businesses are necessary for the health, safety, and welfare of the people of the state.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 2420-2427, Title 13, California Code of Regulations, "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines," "California Smoke Test Procedures for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines and Equipment Engines," "California New Heavy-Duty Off-Road Engines and Equipment Engines Compliance and Quality-Audit Test Procedures," and "California New Heavy-Duty Off-Road Engines and Equipment Engines Emission Control Label Specifications," as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt Sections 2420-2427, Title 13, California Code of Regulations, "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines," "California Smoke Test Procedures for New 1996 and Later Heavy-Duty Off-Road Diesel Cycle Engines and Equipment Engines," "California New Heavy-Duty Off-Road Engines and Equipment Engines Compliance and Quality-Audit Test Procedures," and "California New Heavy-Duty Off-Road Engines and Equipment Engines Emission Control Label Specifications," 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 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 hereby determines that the regulations 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; that California needs such standards to meet compelling and extraordinary conditions within the State; that the standards and accompanying enforcement procedures are not inconsistent with the Federal Clean Air Act, as amended; and that the regulations raise no new issues affecting previous waiver determinations of the Administrator of EPA.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the regulations approved herein which are subject to Section 209 of the Federal Clean Air Act to the Administrator of EPA with a request that California be given authorization to adopt and enforce such regulations.

BE IT FURTHER RESOLVED that the Board delegates to the Executive Officer to incorporate technical revisions as needed to the "California Exhaust Emission Standards and Test Procedures for New 1996 and Later Heavy-Duty Off-Road Engines and Equipment Engines."

BE IT FURTHER RESOLVED that the Board directs staff to consult with industry through workshops and report back to the Board in 1998 on the status of compliance with and the appropriateness of the 2001 standards, Sections 2420-2427 and the incorporated documents therein.

BE IT FURTHER RESOLVED that the Board directs staff to report back to the Board after EPA has promulgated regulations for nonroad heavy-duty diesel cycle engines and equipment and provide a report on the appropriateness of the EPA regulations to California.

I hereby certify that the above is a true and correct copy of Resolution 92-2, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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