TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER NEW SPECIFICATIONS FOR DIESEL ENGINE CERTIFICATION FUEL, PROPOSED AMENDMENTS TO THE OXYGEN SPECIFICATION FOR NATURAL GAS CERTIFICATION FUEL, AND PROPOSED AMENDMENTS TO THE COMMERCIAL MOTOR VEHICLE LIQUEFIED PETROLEUM GAS FUEL REGULATIONS

The California Air Resources Board (ARB or Board) will conduct a public meeting at the time and place noted below to consider amendments to the specifications for diesel fuel used for motor vehicle and engine certification, amendments to the specifications for natural gas certification fuel, and amendments to the commercial motor vehicle liquefied petroleum gas (LPG) regulations.

DATE: September 22, 1994

TIME: 9:30 a.m.

LOCATION: California Air Resources Board
2020 L Street
Board Hearing Room, Lower Level
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., Thursday, September 22, 1994, and will continue at 8:30 a.m., Friday, September 23, 1994. This item may not be consider until Friday, September 23, 1994. Please consult the agenda for the meeting, which will be available at least 10 days before September 22, 1994.

INFORMATIVE DIGEST/PLAIN ENGLISH POLICY STATEMENT OVERVIEW OF PROPOSED ACTION

Sections Affected: Proposed amendments to Title 13, California Code of Regulations, sections 1956.8 (b), 1956.8(d), 1960.1(k), 2292.6 and the following documents which are incorporated therein by reference:

- California Exhaust Emission Standards and Test Procedures for 1988 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles
- California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles

- California Exhaust Emission Standards and Test Procedures for 1987 and Subsequent Model Heavy-Duty Otto-Cycle Engines and Vehicles

Amendments Pertaining to Diesel Engine Certification Fuel. Existing ARB regulations establish standards for various properties of diesel fuel and other fuels sold or supplied commercially for use in motor vehicles in California. These are sometimes referred to as the ARB's "commercial specifications" for motor vehicle fuels. Existing ARB regulations also establish test procedures which are used to determine whether new motor vehicles and engines qualify to be certified as meeting the ARB's motor vehicle emission standards. These test procedures contain what are sometimes referred to as "certification specifications" for the various motor vehicle fuels that are used in certification testing.

Following a November 1988 public hearing, the Board adopted regulations which establish statewide commercial specifications for motor vehicle diesel fuel. These "reformulated diesel fuel regulations" set limits on aromatic hydrocarbon content and sulfur content. The regulation limiting aromatic hydrocarbon content includes provisions that allow large refiners to comply by selling an "alternative diesel fuel formulation" found through an engine test program to result in emissions equivalent to the emissions associated with diesel fuel meeting the large refiners' 10 percent aromatic hydrocarbon content limit. Title 13, California Code of Regulations, section 2282(g)(3) identifies the specifications of the 10 percent aromatic hydrocarbon content "reference fuel" against which an alternative diesel fuel formulation is to be compared in the engine test program.

Currently, diesel fuels that meet the specifications set forth in Title 13, California Code of Regulations, section 2282(g)(3) may be used as an option in certification testing of 1995 and subsequent model-year passenger cars, light-duty trucks, and medium-duty diesel-fueled vehicles; 1995 and subsequent model-year medium-duty diesel engines; 1996 and 1997 model-year urban bus diesel engines; and diesel-fueled utility and lawn and garden engines.

The current diesel specifications in section 2282(g)(3) allow the use of diesel fuel with widely varying properties to certify diesel engines. The present specifications do not have a lower limit on aromatic hydrocarbon content or sulfur content. Additionally, no upper limit on cetane number is specified. It is important for the specifications for certification fuels to be narrowly defined, to assure consistent test results. Therefore, the ARB staff is proposing that, in those instances where certification testing is allowed using diesel fuel meeting the specifications in section 2282(g)(3), a new set of diesel fuel specifications be substituted. The proposed new specifications are based on the staff's analysis of the characteristics of commercially available 10 percent aromatic hydrocarbon content motor vehicle diesel fuel. The proposed specifications include a natural cetane number of 47 to 55, and an aromatic hydrocarbon content of 8 to 12 percent. The amendments would also provide that the specifications applicable to the diesel fuel used for in-use compliance testing are to be the same as the specifications applicable to the diesel fuel used in certification testing.

Oxygen Specification for Natural Gas Certification Fuel. The ARB's current specifications for natural gas certification fuel for 1994 and subsequent model vehicles and

engines include an oxygen content requirement of 0.5 +/- 0.1 mole percent. Industry representatives have raised concerns regarding the potential safety risk associated with the 0.5 mole percent oxygen content requirement. They stated that a 0.2 mole percent oxygen content is the maximum that can be blended within acceptable safety tolerances. In order to reduce the potential safety risk, the staff is proposing an amendment to the oxygen content requirement for natural gas certification fuel to specify a maximum oxygen content of 0.5 mole percent.

Commercial Specifications for LPG. Following a March, 1992 public hearing, the ARB set an interim 10 volume percent propylene (propene) content requirement for commercial motor vehicle LPG fuel, applicable from January 1, 1992 through December 31, 1994. Starting on January 1, 1995, the propene content is limited to 5.0 volume percent. The two-year delay in the implementation of the 5.0 volume percent propene requirement was provided in response to concerns regarding the availability of LPG fuel meeting the lower propene specification. Recently, the Western Propane Gas Association (WPGA) requested that the ARB reevaluate the 5.0 volume percent propene requirement for LPG fuel that becomes applicable January 1, 1995. The WPGA claims that implementation of the 5.0 volume percent propene requirement could lead to supply shortages and market segregation, which could adversely impact the development of the market for commercial motor vehicle LPG fuel. The staff is proposing a two-year delay in the implementation of the 5.0 volume percent propene content requirement, to January 1, 1997.

Comparable Federal Requirements. The U. S. Environmental Protection Agency administers federal test procedures which contain specifications for diesel certification fuel to be used in certifying diesel motor vehicles and engines in the model years subject to the ARB's diesel certification fuel specifications proposed to be amended in this rulemaking (40 C.F.R. sections 86.113-94 and 86.1313-94). These sections of the Code of Federal Regulations also establish a maximum oxygen content specification of 0.6 mole percent for 1994 and subsequent model natural gas-fueled motor vehicles and engines. The ARB's certification procedures are not duplicative because under the federal Clean Air Act, California motor vehicles and engines will not have to be separately tested under the federal test procedures.

With respect to all motor vehicle and engines that would be affected by the proposed amendments pertaining to diesel certification fuel, the ARB regulations allow as an option the use of the certification fuels identified in the federal test procedures. LPG certification fuel meeting the oxygen content specification proposed in this rulemaking would also meet the federal specification. Accordingly, the proposed amendments will not preclude motor vehicle and engine manufacturers from conducting one set of tests to demonstrate compliance with both the California and federal emissions standards, if they wish to use the results of a single set of tests to certify a motor vehicle or engine in all 50 states.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report and the express terms of the proposed amendments are available from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990. The amendments pertaining to the commercial specifications of LPG are written in plain English. The staff has compiled a record which includes all of the information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries related to the development of the proposed amendments should be directed to Mr. Dean C. Simeroth, Chief, Criteria Pollutants Branch, Stationary Source Division, P.O. Box 2815, Sacramento, CA 95812, (916) 322-6020.

COST TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed actions are presented below.

The Board's Executive Officer has determined that the proposed action will not create costs or savings, as determined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Executive Officer has also determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on large or small California businesses, including the ability of California businesses to compete with businesses in other states.

The Executive Officer has determined that the amendments pertaining to the propane content of commercial LPG motor vehicle fuel will affect small businesses; none of the other elements will affect small businesses.

In accordance with Government Code section 11346.54, the Executive Officer has determined that adoption of the proposed regulatory action will not affect the creation or elimination of jobs within California, the creation of new businesses or the elimination of existing businesses in California, or the expansion of businesses currently doing business in California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.53(e), on private persons or businesses (other than small businesses) directly affected resulting from the proposed action.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to the affected private persons or businesses than the proposed action.

SUBMITTAL OF COMMENTS

Interested members of the public may also present comments orally or in writing. To be considered by the Board, written comments must be addressed to, and received by, the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than 12:00 noon Wednesday, September 21, 1994, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 43013, 43018, 43101, 43103, 43104, and 43806 of the Health and Safety Code, 28114 of the Vehicle Code, and Western Oil and Gas Ass'n. vs. Orange County Air Pollution Control District, 14, Cal. 3d 411, 121 Cal Rptr. 249 (1975). This action is proposed to implement, interpret and make specific sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43103, 43104, 43105, 43106, 43107, 43204, 43205.5, 43806 and Health and Safety Code, and Western Oil and Gas Ass'n. vs. Orange County Air Pollution Control District, 14, Cal. 3d 411, 121 Cal Rptr. 249 (1975).

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990.

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CALIFORNIA AIR RESOURCES BOARD

James D. Boyd
Executive Officer

Date: July 26, 1994