

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

**PROPOSED AMENDMENTS TO CALIFORNIA EMISSION CONTROL SYSTEM
WARRANTY REGULATIONS AND MAINTENANCE PROVISIONS FOR 2022 AND
SUBSEQUENT MODEL YEAR ON-ROAD HEAVY-DUTY DIESEL VEHICLES WITH
GROSS VEHICLE WEIGHT RATINGS GREATER THAN 14,000 POUNDS AND
HEAVY-DUTY DIESEL ENGINES IN SUCH VEHICLES**

Public Hearing Date: June 28, 2018
Public Availability Date: January 2, 2019
Deadline for Public Comment: January 17, 2019

At its June 28, 2018, public hearing, the California Air Resources Board (CARB or Board) approved for adoption proposed amendments to sections 1956.8, 2035, 2036, and 2040, Title 13, California Code of Regulations, which: 1) amends the warranty provisions and associated maintenance provisions for on-road heavy-duty diesel vehicles with gross vehicle weight ratings greater than 14,000 pounds and heavy-duty diesel engines used in such vehicles; and 2) explicitly links the heavy-duty On-Board Diagnostic system to the definition of a warranted part.

The Board directed the Executive Officer to determine if additional conforming modifications to the regulation were appropriate and to make any proposed modified regulatory language available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days and present the regulation to the Board for further consideration if warranted or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following CARB website:

<https://www.arb.ca.gov/regact/2018/hdwarranty18/hdwarranty18.htm>

The text of the modified regulatory language is shown in Attachment A to this Notice, which shows the proposed 15-day modifications to the "Proposed Regulation Order."

Attachment B to this Notice shows the proposed 15-day modifications to "California

Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” as last amended [INSERT DATE OF AMENDMENT].

Attachment C to this Notice shows minor corrections to the Staff Report: Initial Statement of Reasons for this rulemaking action.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this Notice, documents added to the record, or the changes detailed in Attachments A, B, and C.

Summary of Proposed Modifications

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions made to improve clarity.

1. Proposed modifications to Title 13, California Code of Regulations are contained in Attachment A to this Notice.
 - a. Section 2035 (c)(2)(C): Staff is proposing to clarify the date of incorporation for 40 CFR 1037.120, whereas placeholder language currently exists to approximate this date.
 - b. Section 2035 (c)(2)(D): Staff is proposing to add language to clarify that the amendments to the definition of “warranted part” apply to only diesel-powered heavy-duty vehicles with engines that are certified on only diesel fuel. Additional grammatical revisions were made for clarifying applicability and readability.
 - c. Section 2036 (b)(2): Staff is proposing to add clarifying language to ensure that the requirement that warranty coverage be extended to parts that illuminate the On-Board Diagnostics (OBD) Malfunction Indicator Light (MIL) be limited to only diesel-powered heavy-duty vehicles with engine families that are certified on only diesel fuel (e.g., dual-fuel engine families in which one fuel is diesel would not be covered). MIL illumination is only required for malfunctioning parts that affect the regulated emission of criteria pollutants. This includes parts that have a direct impact on criteria-pollutant emissions as well as parts that indirectly impact criteria-pollutant emissions as a result of the OBD system using these parts to monitor the performance of emissions-related parts with a direct impact. Parts that only affect the regulated emission of greenhouse gas pollutants are not required to be monitored by

the OBD system. Additional grammatical revisions were made for clarifying applicability and readability.

- d. Section 2036 (c)(4)(B): Staff is proposing to add language that clarifies the lengthened warranty periods apply only to warranted parts that affect the regulated emission of criteria pollutants for only those heavy-duty vehicles with engine families that are certified on only diesel fuel. The greenhouse gas emissions-related parts identified in 2035(c)(2)(C), which include aerodynamic technologies such as skirts, rear fairings, and low-rolling resistance tires, would not be required to meet the lengthened warranty periods. Also, engine families certified to diesel standards using alternative fuels, or dual fuels, would not be subject to the lengthened warranty periods. In addition, engine families certified on only diesel fuel for use in either hybrid vehicles exclusively or vehicles powered with fuel cells would not be subject to the lengthened warranty periods. However, engine families certified on only diesel fuel that have concurrent applications in both dedicated diesel-fueled vehicles and hybrid vehicles, would need to comply with the lengthened warranty periods in this section. Additional grammatical revisions were made for clarifying applicability and readability.
- e. Section 2036 (f)(A): Staff is proposing to correct a typo regarding the date of incorporation for 40 CFR 1037.120. The current date is specified as October 26, 2016, but the correct date should be October 25, 2016.
- f. Section 2036 (f)(1)(B): Staff is proposing to clarify the applicability of (f)(1)(B) by removing a provision that, as proposed, would exclude all manufacturers of heavy-duty vehicles and engines from supplying a list of warranted parts for new vehicles and engines that are capable of illuminating the MIL. The original intent of this provision was to ensure that the amended requirements of (f)(1)(B), i.e., the incorporation of parts capable of illuminating the MIL into the designated warrantable parts list furnished by the manufacturer, would apply only to parts that affect the regulated emission of criteria pollutants, and not parts that affect the regulated emission of greenhouse gas pollutants. The originally proposed provision, however, would have unintentionally exempted all heavy-duty vehicles from the requirements of (f)(1)(B) because all heavy-duty vehicles are required to be certified to both the greenhouse gas emission standards as well as the criteria pollutant emission standards by virtue of engines being part of the vehicles. This clearly was not the intent of the provision. Furthermore, staff has now determined that the provision is unnecessary because MIL illumination is only required for malfunctioning parts that directly impact criteria-pollutant emissions as well as parts that indirectly impact criteria-pollutant emissions as a result of the OBD system using them to monitor the performance of emissions-related parts with a direct impact. Parts that only affect the regulated emission of greenhouse gas pollutants are currently not required to be monitored by the OBD system. Staff is also proposing to delete a circular reference in the originally proposed

text of (f)(1)(B). Additional grammatical revisions were made for clarifying applicability and readability.

2. Proposed modifications to the “California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles,” (incorporated by reference in Title 13, California Code of Regulations) are contained in Attachment B to this Notice.

- a. Section 86.004-25 1.3: Staff is proposing to add language to clarify that the revised maintenance intervals only apply to heavy-duty vehicles and engine families that were certified on only diesel fuel. Those that were certified on fuels other than diesel would not be affected by the proposed changes, nor would engine families used exclusively in hybrid applications.
- b. Section 86.004-25 1.5: Staff is proposing to add language to clarify that the revised maintenance intervals only apply to heavy-duty vehicles and engine families that were certified on only diesel fuel. Those that were certified on fuels other than diesel would not be affected by the proposed changes, nor would engine families used exclusively in hybrid applications.
- c. Section 86.004-25 1.7: Staff is proposing to further clarify the applicability of this section to only parts that affect the regulated emissions of criteria pollutants and to heavy-duty engine families that were certified on only diesel fuel.

Additionally, staff is proposing to clarify that sensors and actuators, integral to the operation of turbochargers and exhaust gas recirculation (EGR) valves and coolers that cannot be repaired without removing or replacing the turbocharger or EGR valve/cooler, shall not have repair/replacement maintenance intervals scheduled throughout the applicable useful life of the heavy-duty diesel engine.

3. Corrections to the “Staff Report: Initial Statement of Reasons, Public Hearing to Consider proposed Amendments to California Emission Control System Warranty Regulations and Maintenance Provisions for 2022 and Subsequent Model Year On-Road Heavy-Duty Diesel Vehicles and Heavy-Duty Engines with Gross Vehicle Weight Ratings Greater Than 14,000 Pounds and Heavy-Duty Engines in Such Vehicles” are contained in Attachment C to this Notice.

- a. The fourth sentence in Section X.A was modified to include a reference to Table X-2, providing substance to the values cited in the text.
- b. The third sentence in Section X.B incorrectly cited Table 38, rather than Table X-2. There is no Table 38 in the Staff Report; staff has therefore

corrected the prior reference to Table 38 to now refer to the correct reference of Table X-2.

- c. The third sentence in Section X.B also stated that Alternative 2 “would provide about 11 tons per day of NOx and 0.08 tons per day of PM emission benefits, cumulative from 2022 through 2040, which is 27 percent and 50 percent less benefit, respectively, than the proposed amendments.” These estimates of NOx and PM emission benefits were previously not expressly set forth in Table X-2. Staff has accordingly modified Table X-2 to include a column distinguishing cumulative Emission Reductions for 2022 through 2040 (tpd) vs. Emission Reductions in 2030 (tpd) for both PM and NOx.
- d. The fourth sentence in Section X.B incorrectly cited Table 42 rather than Table X-2. There is no Table 42 in the Staff Report; staff has therefore corrected the prior reference to Table 42 to now refer to the correct reference of Table X-2.

As explained above, the above-mentioned changes clarify, but do not materially alter the underlying data or estimates that were previously included in the Staff Report, as published on May 8, 2018.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Jeff Lowry, Staff Air Pollution Specialist, Off-Road Control Section, at (626) 575-6841 or (designated back-up contact) Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 pm on the due date to the following:

Postal mail: Clerk of the Board, California Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

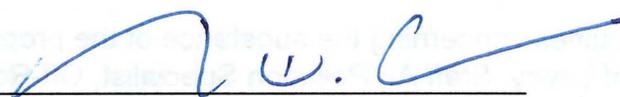
Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to CARB in one of the two forms described above and received by CARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this Notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this Notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: *January 2, 2019*

Attachments

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see CARB's website at www.CARB.ca.gov.