

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Documents and Information**

PUBLIC HEARING TO CONSIDER ONBOARD DIAGNOSTIC SYSTEM
REQUIREMENTS FOR 2010 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY
ENGINES (HD OBD)

Public Hearing Date: July 21, 2005
Public Availability Date: September 9, 2005
Deadline for Public Comment: October 24, 2005

The Board's Action. At its July 21, 2005 public hearing, the Air Resources Board (the "Board" or "ARB") approved the adoption of section 1971.1, title 13, California Code of Regulations (CCR). Upon becoming operative, section 1971.1 would establish OBD requirements for 2010 and subsequent model year on-road heavy-duty engines and vehicles produced for sale in California with a gross vehicle weight rating greater than 14,000 pounds.

At the hearing, the staff presented and the Board approved for adoption the regulation originally proposed in the Staff Report released on June 3, 2005 as modified at the hearing. The modifications were made in response to comments received since the Staff Report was published. The staff suggested modifications include:

1. Modifications to the malfunction emission threshold levels for several diesel engine monitors (section 1971.1(e)).
2. Modification of the gasoline evaporative system monitoring requirement to detect a 0.150-inch leak instead of a 0.090-inch leak (section 1971.1(f)(7)).
3. Revisions to the number of engines required to be tested for certification demonstration (section 1971.1(i)(2)).
4. Clarification of the aging method for certification demonstration testing (section 1971.1(i)(2)).
5. Revisions to the production vehicle testing requirements of monitors to require testing of only vehicles, not engines (section 1971.1(l)(2)).
6. Clarifications on how groupings are to be defined for production vehicle verification of in-use monitor performance (section 1971.1(l)(3)).
7. Modifications to the interim in-use compliance standards (section 1971.1(m)).

The Board adopted Resolution 05-38 (Attachment I), which approves the proposed regulation with modifications. Additions to the text are denoted by underline and deletions by ~~strikeout~~. In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the proposed regulatory text, along with such other conforming modifications as may be appropriate, and to make such modifications available for a supplemental comment period of at least 45 days. The approved regulation, as modified at the hearing, is appended to the Resolution as Attachment B. Attachment A to the Resolution is a copy of the regulation as initially released on June 3, 2005

Since the hearing, staff has made additional modifications and clarifications to the regulation, consistent with the Board's delegation to the Executive Officer in Resolution 05-38. A detailed list of all modifications to the language, including those made since the Board Hearing, and the rationale for the modifications is available as Attachment II. The modified regulation, which includes all modifications to the regulation since it was originally proposed in the Staff Report, is being made available as Attachment III. Additions to the text are denoted by underline and deletions by ~~strikeout~~.

Also available with this notice are revisions to Tables II-3 and II-4 of the Initial Statement of Reasons, which released on June 3, 2005. On review, staff found that it inadvertently included older draft versions of the two tables that do not correctly show staff's final cost calculations. The published tables showed a total cost of approximately \$129 per engine while staff's final calculations show a total cost of \$132 per engine. While the incorrect tables were published, the text in the staff report regarding the tables, reflect the final cost calculations. Also, staff used the final cost calculations in determining the cost-effectiveness of the proposed regulation. Accordingly, this change solely represents a publishing error of the tables and the final version is attached to ensure a complete and accurate record. The revised tables are available as Attachment IV.

Staff is also making available a recently updated version of the technical standard SAE J1939 and associated documents, which has been incorporated by reference in section 1971.1, title 13, CCR. As is common practice with technical standards, industry periodically updates the standards to add specification or clarity and the reference in the regulation has been updated to refer to the newer version. Specifically, the regulation previously incorporated by reference the 2001 version J1939. The regulation now incorporates the March 2005 version of the technical standards.

Attachment I, with its attachments, and Attachments II, III, and IV are available online at the following ARB internet site¹:

<http://www.arb.ca.gov/regact/hdobd05/hdobd05.htm>

Printed copies may be obtained from Adriann Medina of the Mobile Source Control Division, at (626) 459-4405.

Comments and Subsequent Action. Consistent with section 11346.8 of the Government Code, the Board specifically directed the Executive Officer to adopt section 1971.1, title 13, CCR, after making them available to the public for comment for a period of at least 45 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the proposed modifications and additional documents and information may be submitted by postal mail, electronic mail, or facsimile as follows:

¹ Through an understanding with SAE, ARB does not generally post SAE documents on the Internet. The full documents are instead available through SAE and are available for public inspection from the Clerk of the Board at 1001 "I" Street, 23rd floor, Sacramento, California 95812.

Postal mail is to be sent to:
Clerk of the Board
Air Resources Board
1001 "I" Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: hobd05@listserv.arb.ca.gov

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the last day for public comment listed at the beginning of this notice. Only comments relating to the modifications to the text of the regulation and documents and information made available shall be considered by the Executive Officer.

If you have special language needs, please contact Alexa Malik, Regulations Coordinator, at (916) 322-4011 or by e-mail at amalik@arb.ca.gov. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service

Attachments