



Winston H. Hickox
*Secretary for
Environmental
Protection*

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman

9528 Telstar Avenue • P.O. Box 8001 • El Monte, California 91731 • www.arb.ca.gov

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Gray Davis
Governor

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CALIFORNIA EXHAUST STANDARDS FOR ON-ROAD MOTORCYCLES

Public Hearing Date: December 10, 1998
Public Availability Date: June 18, 1999
Deadline for Public Comment: July 6, 1999

At a public hearing held December 10, 1998, the Air Resources Board (the "Board") considered amendments to section 1958, title 13, California Code of Regulations ("CCR") and the incorporated "Exhaust Emission Standards and Test Procedures - Motorcycles Manufactured on or After January 1, 1978." The purpose of these amendments is to reduce exhaust emissions of hydrocarbons plus oxides of nitrogen (HC+NO_x) from new on-road motorcycles, to provide manufacturers with flexibility through corporate averaging and early compliance provisions, and to amend the small-volume manufacturer provision. The proposed regulatory action is described in detail in the "Staff Report: Initial Statement of Reasons -- Proposed Amendments to the California On-Road Motorcycle Regulation" (Staff Report), released October 23, 1998.

At the hearing, the Board approved the proposed amendments to section 1958, title 13, CCR (see Enclosure 1), with modifications to the originally proposed regulatory language. The Board also approved a modification to include a new definition for "motorcycle engine" in section 1900, title 13, CCR. Enclosure 2 to this notice contains the modifications to the originally proposed regulatory language as approved by the Board at the hearing. The following is a plain-English description of the modifications approved at the hearing, by section number.

§ 1900(b)(17) - The Board approved a modification to the definitions to add a definition for "motorcycle engine" to parallel the modifications in § 1958 that clarify that the new emission standards and other requirements apply to motorcycles, motorcycle engines, and the manufacturers of either motorcycles or motorcycle engines.

§ 1958(a), (b), (f), and (g) - The Board approved modifications to these subsections to clarify that the new emission standards and other requirements apply to motorcycles, motorcycle engines, and the manufacturers of either motorcycles or motorcycle engines.

§ 1958(f)(1)(A)-(B) - The Board approved modifications to make it clear that small volume manufacturers of motorcycle engines are subject to the same emission standards and requirements as small-volume manufacturers of motorcycles.

§ 1958(f)(2) - As shown in the Staff Report, this section applied “small-volume manufacturer” designation to “one which sells no more than 1,000 new Class I, II, and III (combined) motorcycles” in California for model year 2004 and any model year afterward. At the public hearing, commenters noted that fairly large manufacturers have sales of less than 1,000 units per year in California and thus would qualify for small-volume manufacturers certification. While these large manufacturers have relatively low sales in California, they have higher sales elsewhere, and they have sufficient research and development resources to develop motorcycles that can meet the 2008 Tier-2 standard. Because these large manufacturers could gain a competitive advantage over other manufacturers subject to the Tier-2 standard, the Board approved the modification of this subsection so that the small-volume threshold would be 300 new motorcycles or motorcycle engines for use in model year 2004 and subsequent in California.

§ 1958(g) - The Board approved the modification of this subsection to allow manufacturers of motorcycle engines to benefit from the early-compliance by providing credits.

§ 1958(h) - This new subsection was added to establish a sunset review of section 1958 and its provisions within five years from the effective date of adoption or date of implementation, whichever comes later. This provision requires the ARB to review the regulation after the specified time period to determine if it is still needed to help meet the Board’s clean air objectives and, if so, to determine whether any revisions are needed.

The staff has made several other modifications throughout the regulation to correct grammatical and typographical errors, correct references and citations, and clarify the regulation.

As noted above, Enclosure 1 contains a copy of Board Resolution 98-65, approving the above described regulatory action. Enclosure 2 contains the text of the modified regulatory language, with modifications to the originally proposed text shown by **bold double underline** and deletions shown by **~~bold strikeout~~**.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to amend sections 1900 and 1958, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, 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 he determines that this is warranted.

Only comments relating to the modifications described in this notice will be considered by the Executive Officer. To be considered by the Executive Officer prior to final action, all comments must be submitted in writing to Mr. James Ryden, Administrative Law Judge, Administrative Hearing Office, Air Resources Board, P.O. Box 2815, Sacramento, California 95812-2815, no later than **July 6, 1999**.

The Air Resources Board would like to determine the effectiveness of our public outreach effort for this regulatory item and are looking for ways to improve the process. We would appreciate your cooperation in completing the enclosed Board Item Development Process Survey (Enclosure 3). Please submit the form by postage-paid mail, or send it by fax, to the ARB's Ombudsman Office. The fax number is (916) 323-2393. We would appreciate it if you return your response by July 15, 1999. Thank you for participating in our regulatory process. If you have technical questions concerning the regulatory item, please contact Mr. Floyd Vergara, Staff Air Pollution Specialist, at (916) 327-1503. Questions relating to the survey should be directed to Dr. Nancy Steele, Deputy Ombudsman, at (626) 459-4368.

Sincerely,

Robert H. Cross, Chief
Mobile Source Control Division

Enclosures