TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF ONBOARD REFUELING VAPOR RECOVERY STANDARDS AND TEST PROCEDURES AND MODIFICATIONS TO EVAPORATIVE TEST PROCEDURES APPLICABLE TO 1998 AND SUBSEQUENT MODEL-YEAR PASSENGER CARS, LIGHT-DUTY TRUCKS, AND MEDIUM-DUTY VEHICLES

The Air Resources Board (the "Board" or ARB) will conduct a public hearing at the time and place noted below to consider the adoption of onboard refueling vapor recovery (ORVR) standards and test procedures applicable to 1998 and subsequent model year passenger cars, light-duty trucks, and medium-duty vehicles with a gross vehicle weight less than 8501 pounds. The proposed regulations incorporate ORVR standards and test procedures recently adopted by the United States Environmental Protection Agency (U.S. EPA).

DATE: June 29, 1995

TIME: 9:30 a.m.

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

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 29, 1995, and may continue at 8:30 a.m., June 30, 1995. This item may not be considered until June 30, 1995. Please consult the agenda for the meeting, which will be available at least 10 days before June 29, 1995, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: New section 1978, Title 13, California Code of Regulations (CCR) and the incorporated "California Refueling Emission Standards and Test Procedures for 1998 and Subsequent Model Motor Vehicles." Amend section 1976, Title 13, CCR, and the incorporated "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles."

The 1990 federal Clean Air Act (CAA) amendments require the U.S. EPA to promulgate vehicle-based (onboard) systems standards for the control of vehicle refueling emissions. The standards are required to be set at a level that would attain a minimum refueling capture efficiency of 95 percent. The federal CAA also requires a 40, 80, and 100 percent manufacturer's sales volume implementation schedule beginning in the fourth model year after the standards are promulgated.

The U.S. EPA released its final rule for ORVR on April 6, 1994. The standards and test procedures apply to all gasoline-, diesel-, and alcohol-fueled light-duty vehicles and trucks, as defined by the U.S. EPA, made in the fifty states. A 0.20 grams per gallon refueling emission standard applies to the California classified vehicle groups listed in Table 1, per their respective phase-in schedules. Medium- and heavy-duty vehicles with a gross vehicle weight greater than 8500 pounds are exempt from the rule.

Table 1

ORVR Model Year Phase-In Schedule

Class of Vehicle	40% Fleet	80% Fleet	100% Fleet
Passenger Cars	1998	1999	2000
Light-Duty Trucks & Medium-Duty Vehicles (0 - 6,000 lbs. GVWR)	2001	2002	2003
Medium-Duty Vehicles (6,001 - 8,500 lbs. GVWR)	2004	2005	2006

Some provisions exist in the regulations for selected groups of vehicles. Small volume manufacturers of passenger cars are exempt from the 1998 and 1999 implementation requirement, but must comply with the 100 percent requirement in the 2000 model year. An exemption also exists for vehicle/fuel combinations which are inherently low in refueling emissions.

The ARB staff is proposing the adoption of the U.S. EPA's ORVR standards and test procedures with modifications. The modifications provide flexibility to allow the vehicle manufacturer the choice of certifying to the refueling standards in line with either the U.S. EPA evaporative test procedure or the California evaporative test procedure. Although the evaporative test procedures vary in some degree, the refueling test procedures will be identical for the California and U.S. EPA test. Other modifications align the requirements of the refueling test with California specific certification procedures, preconditioning procedures, exhaust procedures, etc. The modifications are not expected to produce any variation in California ORVR-equipped vehicles and federal ORVR-equipped vehicles. However, the modifications are expected to reduce the manufacturers' testing burden.

In addition to the new section of the CCR for ORVR standards, modifications are needed in the "California Evaporative Emission Standards and Test Procedures for 1998 and Subsequent Model Motor Vehicles." Text changes are needed to align and prepare the vehicle for the refueling test. The text modifications are similar to the language which the U.S. EPA incorporated into its evaporative test procedures for the alignment of the refueling test. The evaporative test procedure changes are not expected to produce any additional burden to the manufacturers.

The staff is also proposing text changes, independent of the ORVR text changes, to the evaporative test procedures. The modifications provide for better alignment of the California evaporative procedure with the federal evaporative procedure which will ease manufacturer testing burden. In addition, staff is proposing minor changes that will clarify and improve the technical soundness of the evaporative test procedures. These additional changes are not expected to produce any additional burden to the manufacturers.

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 full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Annette Hebert, Staff Engineer, Toxics and Fuels Section, 9528 Telstar Avenue, El Monte, CA 91731, (818) 575-6695.

COSTS 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 regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined 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 businesses, including the ability of California businesses to compete with businesses in other states.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the proposed action will have no foreseeable effects on small businesses because the action applies to automobile manufacturers, which are not small businesses. In addition, the ORVR equipment and testing are already required by federal regulations.

Finally, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private persons or 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 proposed or

would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 28, 1995, 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, 39667, 43013, 43018, 43100, 43101, 43104, of the Health and Safety Code. This action is proposed to implement, interpret and make specific 39003, 39500, 39667, 43000, 43013, 43018, 43100, 43101, 43102, and 43104 of the Health and Safety Code.

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, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

James D. Boyd
Executive Officer

Date: May 2, 1995