

State of California
AIR RESOURCES BOARD

Resolution 95-28

June 29, 1995

Agenda Item No.: 95-6-3

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, in section 43000 of the Health and Safety Code, the Legislature has declared that the emission of air pollutants from motor vehicles is the primary cause of air pollution in many parts of the State and, in sections 39002 and 39003 of the Health and Safety Code, has charged the Board with the responsibility for systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, sections 43013, 43101, and 43104 of the Health and Safety Code authorize the Board to adopt emission standards and test procedures to control air pollution caused by motor vehicles;

WHEREAS, section 43018 of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction from vehicular sources to accomplish the attainment of state ambient air quality standards by the earliest practicable date, and to take whatever actions are necessary, cost-effective and technologically feasible to achieve a reduction in emissions of reactive organic gases (hydrocarbons) of at least 55 percent from motor vehicles (based on emissions in 1987) by December 31, 2000;

WHEREAS, section 39667 of the Health and Safety Code directs the Board to consider the revision of emission standards for vehicular sources to achieve the maximum possible reduction in public exposure to toxic air contaminants and provides that standards for new motor vehicles shall be based on the most advanced technology feasible;

WHEREAS, section 202(a)(6) of the 1990 Clean Air Act Amendments requires the United States Environmental Protection Agency (U.S. EPA) to implement onboard refueling vapor recovery (ORVR) standards for the control of vehicle refueling emissions for light-duty vehicles;

WHEREAS, in April 1994, the U.S. EPA adopted vehicle-based ORVR regulations for light-duty vehicles and light-duty trucks;

WHEREAS, the staff has proposed adoption of the U.S. EPA's ORVR standards and test procedures, with minor modifications, to align with the U.S. EPA's regulations and to ease manufacturers' testing burden;

WHEREAS, the staff has proposed adoption of the U.S. EPA's ORVR regulations for passenger cars, light-duty trucks, and medium-duty vehicles with gross vehicle weights up to 8500 pounds;

WHEREAS, the staff has proposed the following schedule for the implementation of a 0.20 gram per gallon refueling emission standard;

ORVR Model Year Phase-In Schedule

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

WHEREAS, the U.S. EPA's adoption of the ORVR regulations included modifications to its evaporative test procedures in order to accommodate common vehicle and canister preconditioning steps necessary for the refueling test;

WHEREAS, the staff has proposed technical modifications to the California enhanced evaporative emissions test procedures, applicable for the 1998 and subsequent model years, to align with the U.S. EPA's refueling test sequence;

WHEREAS, the staff has proposed technical modifications to the California enhanced evaporative emissions test procedures, applicable for the 1996 and subsequent model years, to more closely align them with the federal test procedures;

WHEREAS, the staff's proposal would incorporate Title 13, California Code of Regulations, section 1978 as set forth in Attachment A hereto; and incorporate the referenced California Refueling Emission Standards and Test Procedures for 1998 and Subsequent Model Motor Vehicles, as set forth in Attachment B hereto;

WHEREAS, California's enhanced evaporative test procedures would be effected by amendments to Title 13, California Code of Regulations, section 1976 as set forth in Attachment C hereto; and amendments to the California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles, as set forth in Attachment D hereto;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state and finds that:

The proposed regulations will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within California, the expansion of businesses currently doing business within California, or the ability of California businesses to compete with businesses in other states;

The proposed regulations will not affect small businesses because the proposed regulations affect only major vehicle manufacturers, none of which are small businesses;

The proposed regulations will not have a significant adverse economic impact on the affected vehicle manufacturers, on other businesses, or on private persons;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the Board finds that:

The proposed ORVR standards and test procedures are technologically feasible and will fulfill the requirements of the 1990 Clean Air Act Amendments and the U.S. EPA regulations;

The adoption of the U.S. EPA's ORVR regulations, with minor modifications, will promote a consistent vehicle design for all fifty states and reduce the testing burden for vehicle manufacturers;

Modifying the California enhanced evaporative test procedures is necessary to accommodate the preconditioning steps for the refueling emission test;

Aligning the California evaporative emission test procedures more closely with the federal test procedures will provide industry with more consistent procedures and will facilitate evaporative emissions tests which fulfill both California and federal requirements;

The technical amendments to the test procedures approved herein are necessary and appropriate to add specificity, enhance clarity, and facilitate implementation of the test procedure requirements;

The amendments approved herein represent a cost-effective means of reducing emissions of hydrocarbons;

The regulations establishing the California evaporative emissions standards and test procedures as approved herein differ from comparable regulations in the Code of Federal Regulations, and the differing state regulations are authorized by sections 43013, 43018, 43101 and 43104 of the Health and Safety Code; and

The amendments approved herein will not have any significant adverse effect on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the proposed onboard refueling vapor recovery emission standards into section 1978, Title 13, California Code of Regulations, and the document incorporated therein, as set forth in Attachments A and B hereto.

BE IT FURTHER RESOLVED that the Board hereby approves the amendments to section 1976, Title 13, California Code of Regulations, and the document incorporated therein, as set forth in Attachments C and D hereto.

BE IT FURTHER RESOLVED that the Board hereby determines that the regulatory amendments approved herein will not cause California motor vehicle emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to strive for as much alignment as is technically feasible between the test procedures adopted pursuant to this Resolution and the test procedures set forth in Subpart B of Part 86 of Title 40 of the Code of Federal Regulations.

BE IT FURTHER RESOLVED that the Board finds that the California motor vehicle emission standards and test procedures as adopted and amended herein will not cause the California requirements to be inconsistent with section 202(a) of the Clean Air Act and raise no new issues affecting previous waiver determinations of the Administrator of the Environmental Protection Agency pursuant to section 209(b) of the Clean Air Act.

BE IT FURTHER RESOLVED that the Executive Officer shall, upon adoption, forward the regulations to the Environmental Protection Agency with a request for a waiver or confirmation that the regulations are within the scope of an existing waiver of federal preemption pursuant to section 209(b) of the Clean Air Act, as appropriate.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section 1978, Title 13, California Code of Regulations, and the document incorporated therein, after making it available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make 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.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt section 1976, Title 13, California Code of Regulations, and the document incorporated therein, after making it available to the public for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make 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.

I hereby certify that the above is a true and correct copy of Resolution 95-28, as adopted by the Air Resources Board.

Pat Hutchens
Pat Hutchens, Board Secretary