REQUEST FOR EARLY EFFECTIVE DATE

Pursuant to Government Code section 11343.4(d), the Air Resources Board (ARB) requests that the amendments to section 1976, Title 13, California Code of Regulations (CCR), and to the document incorporated therein, become effective upon filing with the Secretary of State. Good cause for this request exists.

The rulemaking considered by the Board at its June 29, 1995 hearing pertains primarily to the adoption of a new regulation--section 1978, Title 13, CCR--that establishes onboard refueling vapor recovery (ORVR) standards and test procedures based on standards and test procedures adopted by the U. S. Environmental Protection Agency (U.S. EPA). However, the rulemaking also includes amendments to the ARB's evaporative emissions requirements in section 1976, Title 13, CCR, and the incorporated "California Evaporative Emission Standards and Test Procedures for 1978 and Subsequent Model Motor Vehicles (the Evaporative Emission Test Procedures). These latter amendments accommodate refueling test needs, further align the ARB's evaporative emission test requirements with those of the U.S. EPA, and authorize the ARB's Executive Officer to allow the use of an alternative set of evaporative emission test procedures demonstrated to yield test results more stringent than those resulting from the California Evaporative Emission Test Procedures.

The federal and California evaporative emission test procedures are identical in most respects. The primary difference is that the ARB specifies a test temperature of 105°F and allows the use of Phase 2 gasoline certification fuel having a Reid vapor pressure (RVP) of 6.7-7.0 pounds per square inch (psi) while the federal test temperature is 95°F and the more volatile certification gasoline has an RVP of 8.7-9.2 psi. It had been generally assumed that these two differences in test conditions offset each other, so that the two test procedures resulted in effectively equivalent stringency. However, recent testing by a U.S. EPA contractor and ARB staff indicates that the federal test conditions are directionally more stringent.

U.S. EPA amended its regulations to allow use of California evaporative emission test data for demonstrating federal compliance for the 1996 model year. (40 C.F.R. §86.096-8(b)(5)(iv); 60 F.R. 43880, 43887 (August 23, 1995) Some vehicle manufacturers who want to use one set of evaporative test procedures for their 1997 model year U.S. vehicles have asked the ARB's Executive Officer to exercise the authority granted in this rulemaking and allow use of the federal test procedure as an alternative demonstrated to yield test results more stringent than those resulting from the California procedures. In order for the Executive Officer to act on this request as quickly as possible, it is necessary for the amendments to section 1976 and the incorporated Evaporative Emission Test Procedures to become effective upon filing with the Secretary of State. There is nothing in the amendments to section 1976 and the incorporated test procedure that precludes those amendments going into effect earlier than the remainder of the rulemaking pertaining to ORVR requirements.

The ARB intends to promptly notify vehicle manufacturers of the date on which the amendments to section 1976 and the Evaporative Emission Test Procedures become effective.

Date: 5/9/96

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