STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 2-91)

For use by Secretary of State only

ENDORSED FILED IN THE OFFICE OF

95 NOV 30 PM 2:57

BILL JONES SECRETARY OF STATE

AGENCY	AGENCY FILE NUMBER (If any)
Air Resources Board	

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z94-1011-05	951017-07S		

For use by Office of Administrative Law (OAL) only

1994 OCT 11 PM 3:53 OFFICE OF ADMINISTRATIVE LAW

NOTICE

ENDORSED PM 4:44 1995 OCT 7 APPROVED FOR FILING AND PUBLICATION OFFICE OF ADMINISTRATIVE LAW NOV 30 1995

Office of Administrative Law

REGULATIONS

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. TOPIC OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Implementation Delay of PSI Program	13	2190	October 21, 1994

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
[X] Notice re Proposed Regulatory Action [ ] Other	James R. Ryden	(916) 322-2884

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	[ ] Approved as Submitted [X] Approved as Modified [ ] Disapproved/Withdrawn	94,42Z	10/21/94

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

TITLE(S)	
13	ADOPT
SECTIONS AFFECTED	AMEND: 2190, 2193
	REPEAL

2. TYPE OF FILING

[X] Regular Rulemaking (Gov. Code, § 11346) [ ] Resubmittal [ ] Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) [ ] Emergency (Gov. Code, § 11346.1(b))

[ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

[ ] Print Only [ ] Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

April 13, 1995 - April 28, 1995

4. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code § 11346.2)*

[X] Effective 30th day after filing with Secretary of State [ ] Effective on filing with Secretary of State [ ] Effective other *(Specify)*

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

[ ] Department of Finance (Form STD. 399) [ ] Fair Political Practices Commission [ ] State Fire Marshal N/A

[ ] Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
James R. Ryden, Staff Counsel	(916) 322-2884

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
	October 4, 1995

TYPED NAME AND TITLE OF SIGNATORY

James D. Boyd, Executive Officer

FINAL REGULATION ORDER

SECTIONS 2190-2194, TITLE 13, CCR

Amend Subchapter 3.6, Sections 2190-2194, Title 13, California Code of Regulations, to read as follows:

[Note: New language added to existing regulation text is shown in underline and deletions from existing regulation text are shown in ~~strikeout~~.]

Subchapter 3.6. Heavy-Duty Diesel-Powered Vehicle Periodic Smoke Inspections

2190. These regulations shall be applicable, effective ~~January 1, 1995~~ January 1, 1996, as follows:

(a) Except as provided in subsections (b), (c), (d), (e) and (f), the requirements of this subchapter apply to all heavy-duty diesel-powered vehicles with gross vehicle weight ratings of 6,001 pounds or more which operate on the streets or highways within the State of California.

(b) Heavy-duty diesel-powered vehicles which are not part of a fleet (as defined in section 2191(a)) are excluded from the requirements of this subchapter.

(c) Heavy-duty diesel-powered vehicles which are registered under the International Registration Plan as authorized by Article 4 (commencing with section 8050), Chapter 4, Division 3 of the Vehicle Code and which have established a base state other than California (non-California based vehicles) are excluded from the requirements of this subchapter.

(d) Heavy-duty diesel-powered vehicles which operate in California under the terms of Interstate Reciprocity Agreements as authorized by Article 3 (commencing with section 8000), Chapter 4, Division 3 of the Vehicle Code and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.

(e) Heavy-duty diesel-powered vehicles operating in California under the terms of any other apportioned registration, reciprocity, or bilateral prorate registration agreement between California and other jurisdictions and which belong to fleets that are not based in California are excluded from the requirements of this subchapter.

(f) Heavy-duty diesel-powered vehicles operating in California under short-term vehicle registrations or permits of 90 days or less (including but not limited to 90-day temporary registrations and 4-day permits under Vehicle Code section 4004) are excluded from the requirements of this subchapter.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.

2191. Definitions.

(a) The definitions of this section supplement and are governed by the definitions set forth in Chapter 2 (commencing with Section 39010), Part 1, Division 26 of the Health and Safety Code. The provisions of this subchapter shall also be governed by the definitions set forth in section 2180.1, Title 13, California Code of Regulations including the following modifications:

(1) "Fleet" means any group of 2 or more heavy-duty diesel-powered vehicles which are owned or operated by the same agency or entity.

(2) "Inspector" means an Air Resources Board employee with the duty of enforcing Health and Safety Code section 43701(a) and Title 13, California Code of Regulations, sections 2190 through 2194.

(3) "Test opacity" means the measurement of smoke opacity from a vehicle for the purpose of determining compliance with the standards referenced in section 2193(c).

(4) "Test procedure" means the smoke meter test procedure as specified in section 2193(c).

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2192. Vehicle Inspection Responsibilities.

(a) The owner of a heavy-duty diesel-powered vehicle subject to the requirements of this subchapter shall do all of the following:

(1) Test the vehicle for excessive smoke emissions periodically according to the inspection intervals specified in section 2193 (a) and (b).

(2) Measure the smoke emissions for each test using the test procedure specified in section 2193 (c).

(3) Record the smoke test opacity levels and other required test information as specified in section 2194.

(4) Have the vehicle repaired if it exceeds the applicable smoke opacity standard specified in section 2193 (c).

(5) Record the vehicle repair information as specified in section 2194.

(6) Conduct a post-repair smoke test to determine if the vehicle complies with the applicable smoke opacity standard.

(7) Record the post-repair smoke test results as specified in section 2194.

(8) If the vehicle does not comply with the applicable smoke opacity standard, make additional repairs to achieve compliance, and record the smoke test results as specified in section 2194.

(9) Keep the records specified in section 2194 for two years after the date of inspection.

(10) Permit an Air Resources Board inspector to review the inspection records specified in section 2194 at owner/operator designated fleet locations by appointment.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701(a), and 44011.6, Health and Safety Code.

2193. Smoke Opacity Inspection Intervals, Test Procedures, and Standards.

(a) Vehicles which are subject to the requirements of this subchapter on the effective date of these regulations shall be tested for smoke opacity (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 pursuant to the following schedule: at least 25 percent of the fleet's vehicles within ~~90~~ 180 calendar days of the effective date of these regulations; at least 50 percent of the fleet's vehicles within ~~180~~ 270 calendar days of the effective date of these regulations; at least 75 percent of the fleet's vehicles within ~~270~~ 365 calendar days of the effective date of these regulations; and, the remaining fleet's vehicles no later than ~~365~~ 455 calendar days after the effective date of these regulations. For fleets 2 to 4 vehicles, at least one vehicle must be tested in each 90 calendar day period, beginning with the initial ~~90~~ 180 calendar day period, until all vehicles in the fleet have been tested. Fleets which become subject to the requirements of the subchapter subsequent to the effective date of these regulations should be tested in accordance with the above schedule beginning on the date they become subject to these regulations.

(b) After the initial smoke opacity testing under subsection (a), vehicles which are subject to the requirements of this subchapter shall be tested for smoke opacity (and repaired if the applicable smoke opacity standard is exceeded) in accordance with the requirements of section 2192 at least once every 365 days.

(c) The smoke opacity test procedure and applicable opacity standards shall be as specified in section 2182(a) to (e), (g), and (h), and section 2185(b), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, 43013, 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43013, 43018, 43701(a), and 44011.6, Health and Safety Code.

2194. Record Keeping Requirements.

(a) The owner of a vehicle subject to the requirements of this subchapter shall record the following information when performing the smoke opacity testing:

(1) The brand name and model of the opacity meter.

(2) The brand name and model of the strip chart recorder.

(3) The dates of last calibration of the opacity meter and chart recorder.

(4) The name of the smoke meter operator who conducted the test.

(5) The name and address of the contracted smoke test facility or vehicle repair facility that conducted the test (if applicable).

(6) The applicable smoke opacity standard for the tested vehicle.

(7) Vehicle identification number, vehicle's engine year, engine make, and engine model, and test date. Fleet-designated vehicle identification numbers are also acceptable.

(8) The initial smoke test opacity levels (for three successive test readings).

(9) An indication of whether the vehicle passed or failed the initial smoke test.

(10) The post-repair test date.

(11) The post-repair smoke test opacity levels (for three successive test readings).

(12) An indication of whether the vehicle passed or failed the post-repair smoke test.

(13) For vehicles that have failed the smoke test and have been repaired, the vehicle repair information specified in section 2186(a), Title 13, California Code of Regulations.

NOTE: Authority Cited: Sections 39600, 39601, and 43701(a), Health and Safety Code. Reference: Sections 39002, 39003, 39033, 43000, 43018, 43701 (a), and 44011.6, Health and Safety Code.