

Attachment B

PROPOSED 15-DAY MODIFIED REGULATION ORDER

This attachment shows the proposed modifications to current regulatory text. The proposed modifications are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Subsections for which no changes are proposed in this rulemaking are indicated with [No change] or “* * * *”.

Amend sections 1900, 1956.8, 1971.1, 1971.5, and 2485 of title 13, California Code of Regulations to read as follows:

§ 1900. Definitions.

* * * *

(b) In addition to the definitions incorporated under subdivision (a), the following definitions shall govern the provisions of this chapter;

* * * *

~~(3) “Emission standard” as it applies to compliance with the requirements applicable to motor vehicles and motor vehicle engines set forth in Article 2, Chapter 1, Division 3 of Title 13, California Code of Regulations, and the associated remedies provided in the Health and Safety Code for noncompliance, means:~~

~~a. a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or~~

~~b. a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~

~~(4) “Evaporative emission standards” are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which a vehicle is certified.~~

~~(5) “Exhaust emission standards” or “tailpipe emission standards” are a subset of emission standards that collectively refer to the specific standards to which a motor vehicle or motor vehicle engine is certified.~~

~~(63)~~ “Emissions-related part” ***** [No change]

~~(74)~~ “Gaseous fuels” ***** [No change]

~~(85)~~ “Heavy-duty engine” ***** [No change]

~~(96)~~ “Heavy-duty vehicle” ***** [No change]

~~(407)~~ “Identical device” ***** [No change]

~~(418)~~ “Independent low volume manufacturer”***** [No change]

~~(429)~~ “Intermediate volume manufacturer” ***** [No change]

~~(4310)~~ “Large volume manufacturer” ***** [No change]

~~(4411)~~ “Light-duty truck” ***** [No change]

~~(4512)~~ “Medium-duty passenger vehicle” ***** [No change]

- (1613) "Medium-duty vehicle" ***** [No change]
- (1714) "Modified part" ***** [No change]
- (1815) "Motorcycle Engine" ***** [No change]
- (1916) [Reserved] ***** [No change]
- (2017) "Passenger car" ***** [No change]
- (2118) "Reactivity adjustment factor" ***** [No change]
- (2219) "Recall" means: ***** [No change]
- (2320) "Replacement part" ***** [No change]
- (2421) "Subgroup" ***** [No change]
- (2522) "Small volume manufacturer" ***** [No change]

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NOTE: Authority cited: Sections 39010, 39600, 39601, 43013, 43018, 43101, and 43104, Health and Safety Code; Reference: Sections 39002, 39003, 39010, 39500, 40000, 43000, 43013, 43018.5, 43100, 43101, 43101.5, 43102, 43103, 43104, 43106, and 43204, Health and Safety Code; and Section 27156, Vehicle Code.

§ 1956.8. Exhaust Emission Standards and Test Procedures - 1985 and Subsequent Model Heavy-Duty Engines and Vehicles.

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(i) Definitions Specific to this Section. The following definitions apply to this section 1956.8.

* * * *

~~(2) "Emission standard," as it applies to the compliance with the standards set forth in this section, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle or motor vehicle engine and means:~~

~~(a) a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or~~

~~(b) a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~

~~(3) "Evaporative emission standards" are a subset of emission standards that collectively refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which a vehicle is certified.~~

~~(4) "Exhaust emission standards" or "tailpipe emission standards" are a subset of emission standards that collectively refer to the specific standards or family certification Level (FCL) and family emission limit (FEL) emission levels to which an engine is certified.~~

(52) "Family certification level" (FCL) ***** [No change]

(63) "Family emission limit" (FEL) ***** [No change]

(74) "Heavy heavy-duty engine" ***** [No change]

(85) "Light heavy-duty engine" ***** [No change]

- (96) "Medium heavy-duty engine" ***** [No change]
- (407) "Primary intended service class" ***** [No change]
- (448) "Tractor" ***** [No change]
- (429) "Tractor engine" ***** [No change]
- (4310) "Vocational engine" ***** [No change]
- (4411) "Vocational vehicle" ***** [No change]

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39500, 39600, 39601, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, 43107 and 43806, Health and Safety Code; and Section 28114, Vehicle Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39017, 39033, 39500, 39600, 39601, 39610, 39650, 39657, 39667, 39701, 40000, 43000, 43000.5, 43009, 43009.5, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43107, 43202, 43204, 43205, 43205.5, 43206, 43210, 43211, 43212, 43213 and 43806, Health and Safety Code; and Section 28114, Vehicle Code.

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§1971.1. On-Board Diagnostic System Requirements--2010 and Subsequent Model-Year Heavy-Duty Engines

* * * *

(c) *Definitions.*

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~~"Emission standard," as it applies to OBD compliance and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle and engine and means:~~

- ~~(1) a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or~~
- ~~(2) a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~

* * * *

~~"Evaporative emission standards" are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which the engine is certified.~~

~~"Exhaust emission standards" or "tailpipe emission standards" are a subset of emission standards that collectively refer to the specific FTP standards and SET standards to which an engine is certified.~~

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NOTE: Authority cited: Sections 39010, 39600, 39601, 43000.5, 43013, 43016, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106, 43154, 43211, and 43212, Health and Safety Code. Reference: Sections 39002, 39003, 39010, 39018, 39021.5, 39024, 39024.5, 39027, 39027.3, 39028, 39029, 39031, 39032, 39032.5, 39033, 39035, 39037.05, 39037.5, 39038, 39039, 39040, 39042, 39042.5, 39046, 39047, 39053, 39054, 39058, 39059, 39060, 39515, 39600, 39601, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150, 43151, 43152, 43153, 43154, 43155, 43156, 43204, 43211, and 43212, Health and Safety Code.

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§ 1971.5. Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines.

(a) *General.*

* * * *

(3) *Definitions.*

The definitions applicable to these rules include those set forth in Health and Safety Code section 39010 et seq. and in Cal. Code Regs., title 13, section 1900(b) and section 1971.1(c), which are incorporated by reference herein. The following definitions are specifically applicable to section 1971.5 and take precedence over any contrary definitions.

* * * *

“Nonconforming OBD System” means an OBD system on a production engine that has been determined not to comply with the ~~emission standards as defined in requirements of~~ Cal. Code Regs., title 13, section 1971.1(c). For purposes of section 1971.5, an engine class shall be considered nonconforming irrespective of whether engines in the engine class, on average, meet other applicable emission standards (e.g., exhaust emission standards defined in Cal. Code Regs., title 13, section 1956.8, evaporative emission standards defined in Cal. Code Regs., title 13, section 1976).

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§ 2485. Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

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(h) *Definitions.* The following definitions apply to this section:

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- (8) ~~“Emission standard” as it applies to compliance with the requirements and standards set forth in this section, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle or off-road engine and means:~~
 - (A) ~~a numerical limit on the amount of a given pollutant that a motor vehicle engine or off-road engine may emit into the atmosphere; or~~
 - (B) ~~a requirement that a motor vehicle, motor vehicle engine, or off-road engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~
- (9) ~~“Evaporative emission standards” are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which a vehicle is certified.~~
- (10) ~~“Exhaust emission standards” or “tailpipe emission standards” are a subset of emission standards that collectively refer to the specific standards to which a motor vehicle, motor vehicle engine, or off-road engine is certified.~~

- ~~(11)~~(8) "Executive Officer" ***** [No change]
- ~~(12)~~(9) "Fuel-fired heater" ***** [No change]
- ~~(13)~~(10) "Gross vehicle weight rating" ***** [No change]
- ~~(14)~~(11) "Highway" ***** [No change]
- ~~(15)~~(12) "Idling" ***** [No change]
- ~~(16)~~ (13) "Motor Carrier" ***** [No change]
- ~~(17)~~(14) "Motor truck" or "motortruck" ***** [No change]
- ~~(18)~~(15) "Official traffic control device" ***** [No change]
- ~~(19)~~(16) "Official traffic control signal" ***** [No change]
- ~~(20)~~(17) "Owner" ***** [No change]
- ~~(21)~~ (18) "Person" ***** [No change]
- ~~(22)~~(19) "Primary diesel engine" ***** [No change]
- ~~(23)~~(20) "Queuing" ***** [No change]
- ~~(24)~~(21) "Restricted area" ***** [No change]
- ~~(25)~~(22) "Safety or health emergency" ***** [No change]
- ~~(26)~~(23) "Senior care facility" ***** [No change]
- ~~(27)~~(24) "Sleeper berth" ***** [No change]
- ~~(28)~~(25) "Vehicle" ***** [No change]
- ~~(29)~~(26) "Workover rig" ***** [No change]

NOTE: Authority cited: Sections 39600, 39601, 39614(b)(6)(A), 39658, 39667, 43000.5(d), 43013(b), 43013(h), 43018(b) and 43018(c), Health and Safety Code; and *Western Oil & Gas Assn. v. Orange County Air Pollution Control Dist.* (1975), 14 Cal.3d.411. Reference: Sections 39002, 39003, 39027, 39500, 39600, 39650, 39655, 39656, 39657, 39658, 39659, 39662, 39665, 39674, 39675, 42400, 42400.1, 42400.2, 42400.3, 42402, 42402.1, 42402.2, 42402.3, 42402.4, 42403.5, 42410, 43013, 43018 and 43704, Health and Safety Code; Sections 305, 336, 350, 440, 445, 545, 546, 642, 680, 21400, 22452, 22515, 27153, 40001 and 40001(b)(5), California Vehicle Code; and Sections 1201, 1900, 1962 and 2480, Title 13, California Code of Regulations.

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Amend sections 95302 and 95662 of title 17, California Code of Regulations to read as follows:

Subarticle 1: Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation

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§95302. Definitions.

(a) The following definitions apply to this subarticle:

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- ~~(19.1) “Emission standard,” as it applies to the compliance with the requirements and standards set forth in this section, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle or motor vehicle engine and means:

 - ~~(A) a numerical limit on the amount of a given pollutant that a motor vehicle or motor vehicle engine may emit into the atmosphere; or~~
 - ~~(B) a requirement that a motor vehicle or motor vehicle engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~~~
- ~~(19.2) “Evaporative emission standards” are a subset of emission standards that refer to the specific motor vehicle fuel evaporative emission standards and test procedures incorporated by reference in title 13, CCR section 1976 to which the engine is certified.~~
- ~~(19.3) “Exhaust emission standards” or “tailpipe emission standards” are a subset of emission standards that collectively refer to the specific standards or family certification Level (FCL) and family emission limit (FEL) emission levels to which an engine is certified.~~

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NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

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Subarticle 12. Greenhouse Gas Emission Requirements for New 2014 and Subsequent Model Heavy-Duty Vehicles

§95662. Definitions.

(a) The definitions in Section 1900(b), chapter 1, title 13 of the California Code of Regulations (CCR) apply to these procedures with the following additions:

* * * *

- ~~(4) “Emission standard,” as it applies to compliance with the Greenhouse Gas Requirements for new 2014 and subsequent model medium and heavy-duty vehicles, and the remedies provided for in the Health and Safety Code for noncompliance, relates to the emission characteristics of a motor vehicle and means:

 - ~~(A) a numerical limit on the amount of a given pollutant that a motor vehicle engine may emit into the atmosphere; or~~
 - ~~(B) a requirement that a motor vehicle engine be equipped with a certain type of pollution control device or some other design feature related to the control of emissions.~~~~
- (54) “Gross combination weight rating” (GCWR) ***** [No change]
- (65) “Gross vehicle weight rating” (GVWR) ***** [No change]

- (76) "Heavy-duty engine" ***** [No change]
- (87) "Heavy-duty vehicle" ***** [No change]
- (98) "Manufacturer" ***** [No change]
- (409) "Medium-duty engine" ***** [No change]
- (4410) "Medium-duty vehicle" ***** [No change]
- (4211) "Model year" ***** [No change]
- (4312) "Motor vehicle" ***** [No change]
- (4413) "Sleeper cab" ***** [No change]
- (4514) "Otto-cycle" ***** [No change]
- (4615) "Tractor" ***** [No change]
- (4716) "Useful life" ***** [No change]
- (4817) "Vehicle" ***** [No change]
- (4918) "Vocational tractor" ***** [No change]

NOTE: Authority cited: Sections 38501, 38505, 38510, 38560, 39010, 39600, 39601, 43013, 43018, 43101, 43104, and 43105, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 38560, 38580, 39002, 39003, 39600, 39601, 43000, 43009.5, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43205, 43205.5, and 43211, Health and Safety Code.