

State of California
AIR RESOURCES BOARD

Resolution 95-39

July 27, 1995

Agenda Item No.: 95-8-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the Board or ARB) to adopt standards, rules, and regulations 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 of systematically attacking the serious air pollution problem caused by motor vehicles;

WHEREAS, section 43018(a) of the Health and Safety Code directs the Board to endeavor to achieve the maximum degree of emission reduction possible from vehicular sources in order to accomplish the attainment of the state ambient air quality standards at the earliest practicable date; section 43018(c) provides that in carrying out section 43018(a), the Board is to adopt standards and regulations which will result in the most cost-effective combination of control measures for motor vehicles and motor vehicle fuels, including controls which will achieve reductions in motor vehicle exhaust and evaporative emissions;

WHEREAS, section 43004 of the Health and Safety Code provides that the emission standards applicable to gasoline-powered motor vehicles shall also apply to vehicles which have been modified to use fuels other than gasoline or diesel;

WHEREAS, section 43006 of the Health and Safety Code authorizes the Board to certify the fuel systems of vehicles powered by fuels other than diesel or gasoline which meet the standards specified in section 43004, and to adopt test procedures for such certification;

WHEREAS, sections 27156 and 38391 of the California Vehicle Code prohibit the installation, sale, offering for sale or advertisement of any motor vehicle pollution control device or system which alters or modifies the original design or performance of any such motor vehicle pollution control device that could result in the modified vehicle's emissions failing to continue to comply with existing state or federal standards;

WHEREAS, section 43802(b) of the Health and Safety Code requires the Board to identify those motor vehicle control devices and applications which convert conventional vehicles into low-emission motor vehicles as identified in Section 39037.05, Health and Safety Code;

WHEREAS, the staff has proposed regulatory amendments to the "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for Motor Vehicles Certified for 1994 and Subsequent Model Years";

WHEREAS, the staff has proposed amendments to the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles Certified for 1993 and Earlier Model Years to Use Liquefied Petroleum Gas or Natural Gas Fuels," and to the "California Exhaust Emission Standards and Test Procedures for Systems Designed to Convert Motor Vehicles Certified for 1993 and Earlier Model Years to Use Alcohol or Alcohol/Gasoline Fuels";

WHEREAS, the staff has proposed optional emission standards for heavy-duty vehicle retrofits;

WHEREAS, the proposal would be effected by amendments to Title 13, California Code of Regulations, sections 2030 and 2031, and adoption of and amendments to the Procedures incorporated therein by reference, as set forth in Attachments A through D hereto;

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

WHEREAS, the Board has considered the impact of the proposed regulatory action on the economy of the state;

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 optional standards for heavy-duty vehicle retrofits and the amendments to facilitate certification approved herein will encourage the introduction of low-emission retrofit technology and emission reductions needed as part of the State Implementation Plan;

The optional emission standards are necessary for heavy-duty vehicle retrofits to certify to low-emission standards and thus be eligible for mobile source emission reduction credits;

The amendments approved herein allowing the use of an alternate durability test plan will facilitate certification and make more retrofit kits available, increasing the potential for emission reductions from vehicle retrofits;

It is necessary and appropriate that vehicles retrofitted for mobile source emission reduction credit be subject to durability testing and in-use compliance testing under the 1994 and subsequent model year retrofit certification procedures;

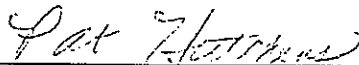
The regulatory action approved herein will streamline the retrofit certification process, while retaining the elements of the procedures that are essential to the protection of air quality: durability testing, manufacturer and installer warranties, and in-use compliance testing;

The attached amendments and optional standards will not result in any significant adverse environmental or economic impacts.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts section 1956.9 of Title 13, California Code of Regulations, and approves the amendments to Article 5, and sections 2030 and 2031 of Article 5, Title 13, as set forth in Attachments A through E hereto, with the modifications set forth in Attachment F hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to incorporate into the approved regulations and incorporated documents the modifications described in Attachment F hereto, with such other conforming modifications as may be appropriate, and to adopt the amendments approved herein, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications if deemed appropriate after consideration of supplemental 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 95-39, as adopted by the Air Resources Board.



Pat Hutchens, Board Secretary