

ILLINOIS POLLUTION CONTROL BOARD
October 18, 1989

IN THE MATTER OF:)
)
APPLICATION OF CALIFORNIA) R89-17
MOTOR VEHICLE CONTROL PROGRAM)
IN ILLINOIS)

Inquiry Hearing.

ORDER OF THE BOARD (by J. Theodore Meyer):

This matter is before the Board on its own motion. Much attention has been focused on the continuing problem of air pollution, and the Chicago and Metro East ozone non-attainment areas have been the subject of much of that attention. In January 1989, a federal district judge ordered the United States Environmental Protection Agency (USEPA) to promulgate a federal implementation plan (FIP) for ozone in the Chicago metropolitan area (both Illinois and Indiana), based upon USEPA's disapproval of the state implementation plan (SIP) submitted by Illinois. Wisconsin v. Reilly, No. 87-C-0395 (E.D. Wis.). The parties to that lawsuit have reached a proposed settlement of the dispute, although to date the district court has not approved that settlement. The hot summer of 1988 resulted in high levels of ozone in the Chicago and Metro East areas. Although much progress has been made in reducing air pollution in the past twenty years, it is obvious that more reductions are necessary in order to attain compliance with the health-based federal air quality standards.

The Board has acted upon all of the reasonably available control technology (RACT) rules for industry proposed by the Illinois Environmental Protection Agency (Agency), and has recently opened a docket (R89-16) to consider revisions to those RACT rules, which are intended to remedy deficiencies identified by USEPA. It is clear, however, that some new control measures must be imposed upon mobile sources, such as motor vehicles. Mobile sources are the largest source of carbon monoxide (CO) emissions and of hydrocarbon (HC) emissions and a significant source of nitrogen oxide (NOx) emissions, all of which contribute to the formation of ozone. The Board has taken the first step in that direction by proposing new reductions in the volatility of gasoline. See Limits to the Volatility of Gasoline, R88-30(A) & (B), September 13, 1989. Another strategy to further reduce emissions from motor vehicles might be to adopt the California motor vehicle control program in Illinois. Today the Board will open a docket for an inquiry hearing on this subject.

California has historically had stricter emission controls for mobile sources than the rest of the country. The other 49 states are all subject to the same federal standard; in fact, the Clean Air Act (CAA) preempts the states from setting emission standards for new motor vehicles. 42 USC 7543(a). The CAA also allows a waiver of that preemption for California's motor vehicle emissions standards, however, and allows other states to adopt the identical California standards. 42 USC 7507 and 7543(b). In other words, a state may choose between the federal standards and the California standards: no state can adopt a third standard. The test in deciding whether adoption of a proposed new standard complies with the CAA is whether auto manufacturers would be burdened with additional hardware requirements beyond the federal and California standards, i.e. whether a third vehicle would have to be manufactured in order to comply with the proposed standard. The eight states which belong to the Northeast States for Coordinated Air Use Management (NESCAUM) recently announced that they would seek to have the California standards adopted by their states.¹ No state other than California has actually adopted California's emissions standards to date.

In early 1989 NESCAUM commissioned Sierra Research Inc. to assist in an analysis of the feasibility, the air quality benefits, and the costs of adopting the California motor vehicle control program in the northeast states. The report issued by Sierra concludes that the northeast could reduce motor vehicle emissions of HC by 16%, NOx by 27%, and CO by 39% by the year 2010, when the current generation of vehicles controlled at the lower federal standards is replaced by lower emitting vehicles. The Sierra report found that the cost of these reductions would be about \$150 per vehicle, or about \$600 per ton of HC and NOx removed. A graph prepared for the American Lung Association shows that reductions in Illinois for mobile sources could be approximately 27% for HC, 25% for CO, and 39% for NOx.

It should be noted that California is currently proposing revisions to its control program. Because of the requirements of the CAA discussed above, any adoption by Illinois of the California standards would have to be made identical to the California standards which are in effect at the time of adoption. The current federal and California standards, and the proposed California standards, are summarized below:

¹ The eight states which belong to NESCAUM are Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

	HC	CO	NOx
Federal	0.41 T*	3.4	1.0
California	0.39 N**	7.0	0.4
Proposed Cal.	0.25 N**	3.4	0.4

*T means total hydrocarbons.

**N means non-methane hydrocarbons only.

The California program also includes other provisions relating to production line testing, certification of conformity, nonconformance penalties, tampering, useful life, inspection and maintenance testing, on-board diagnostics, and recall. It is not clear exactly how many of these enforcement provisions would have to be adopted by another state adopting the California program.

The Board notes that a United States House of Representatives subcommittee recently voted to apply the California emission standards to all 50 states, with the standards to be phased in over the 1994-1996 model years. Although that provision may well be passed by the full House and by the Senate, and be signed into law by the President, the federal adoption of the California standards is not certain.

The Board will hold at least one inquiry hearing on the possibility of adopting the California program in Illinois. A hearing has been scheduled for mid-December 1989, in Chicago; a hearing officer order will give further details. The Board particularly asks for testimony on the following:

1. What emission reductions could be achieved in Illinois by imposing the California standards?
2. What are the costs to impose the California program in Illinois? The Board seeks information on all aspects of the economics of the program, including but not limited to the cost to purchasers of new cars, the costs of any enhanced enforcement measures such as those in place in California, and the cost of the measures in terms of the cost per ton of reduction of CO, HC, and NOx.
3. How many of the California measures, beyond the emission standards, would have to be adopted to have the standards approved as a SIP revision pursuant to the CAA? Which California measures, such as on-board diagnostics, inspection and maintenance programs, and recalls, should be adopted by Illinois?
4. What is the status of the proposed revisions to the California standards?

5. What is the status of the bill seeking federal adoption of the California program? Exactly how much of the California program, in addition to the emission standards, does the federal proposal seek to adopt?
6. What is the status of the NESCAUM states' adoption of the California standards? How much of the California program do those states seek to adopt?

The Board will also accept written public comments, either in addition to or instead of participation at hearing, through January 5, 1990. Specific proposals, including regulatory language and supporting technical and economic information, are particularly solicited from potential proponents. In addition to participation from all interested persons, the Board specifically seeks participation from the Illinois Environmental Protection Agency, the Department of Energy and Natural Resources, and USEPA.

The Board emphasizes that it does not today propose to adopt the California motor vehicle control program; rather, it seeks to obtain information on that possibility. After analysis of the information received at hearing and in comments, the Board will determine what further action may be appropriate.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 10th day of October, 1989, by a vote of 7-0.



 Dorothy M. Gunn, Clerk
 Illinois Pollution Control Board