

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE REGULATORY  
PROPOSAL TO DETERMINE AND CONTROL EVAPORATIVE EMISSIONS FROM  
OFF-HIGHWAY RECREATIONAL VEHICLES**

Public Hearing Date: July 25, 2013  
First Public Availability Dates: January 14, 2014 – January 29, 2014  
Second Public Availability Date: April 28, 2014  
Deadline for Public Comment: May 13, 2014

At its July 25, 2013 public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed changes to California Code of Regulations (CCR), title 13, sections 2416, 2417, 2418, 2419.1, 2419.2, 2419.3, 2419.4, and 2419.5, which expand evaporative emission control requirements for off-highway recreational vehicles (OHRV) to include a whole vehicle diurnal evaporative emission standard, certification, labeling, enforcement, anti-tampering, recall, and use restrictions. A new test procedure to measure evaporative emissions, TP-933 "Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles," (TP-933) was also approved for adoption and is incorporated by reference in California Code of Regulation, title 13, sections 2417, 2418, and 2419.5.

At the hearing the Board approved modifications to the regulatory language originally proposed in the Staff Report released on June 5, 2013, in response to comments received after the Staff Report was published. The new sections 2416-2419.5 were approved, as modified, in Board Resolution 13-33. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website: <http://www.arb.ca.gov/regact/2013/ohrv2013/ohrv2013.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the proposed regulatory language as modified after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

As directed by the Board on July 25, 2013, the first notice of Public Availability of Modified Text and Availability of Additional Documents and Information (1<sup>st</sup> 15-day Change Notice) was issued on January 14, 2014. Based on review of the final regulatory text, additional modifications to correct section enumeration and to improve the specificity of the references cited in the regulatory text and the incorporated TP-933 are being proposed in this Second Notice of Public Availability of Modified Text (2<sup>nd</sup> 15-day Change Notice).

This notice is an announcement of the opening of a second 15-day public comment period for proposed modifications to control evaporative emissions from OHRVs. The additional proposed modifications will improve clarity while preserving the intent of the Board approved amendments.

### **Summary of Proposed Modifications**

Subsequent to the release of the 45-day notice and first 15-day change notice, staff identified some numbering and date inconsistencies in the proposed regulatory language and proposed test procedure. The errors in the regulatory language and test procedure, described below, are being corrected in this second 15-day change notice.

The modifications include correcting the section numbers that were originally proposed for adoption. The original proposal was to adopt §§ 2416, 2417, 2418, 2419.1, 2419.2, 2419.3, 2419.4 and 2419.5, tit. 13, Cal. Code Regs., which inadvertently omitted § 2419. The numerical order of the section numbers in this second 15-day notice has been corrected to add section 2419, and remove section 2419.5. Additionally, the cross-referencing of section numbers has also been corrected.

In addition to other minor language changes that were completed for clarification, further modifications include correcting the dates of the documents incorporated by reference, as specified in section 9 and throughout the incorporated test procedure, TP-933, by clearly identifying the incorporated documents with the correct title and dates of publication. The references to the incorporated documents that were made available during the original 45-day comment period have been corrected by this second 15-day change notice.

### **Modified Text Being Made Available**

The modifications to the initially proposed text are set forth in Attachment 1 (§§ 2416, 2418, 2419, 2419.1, 2419.2, 2419.3, 2419.4, and 2419.5, tit. 13, Cal. Code Regs) and Attachment 2 (TP-933) to this notice contains relevant portions of title 13, California Code of Regulations and the documents incorporated by reference that are affected by the modifications being proposed with this notice. The proposed adoption of new sections in the 45-day notice is shown in plain text. The first 15-day proposed changes are shown in single underline to indicate additions and ~~single strikeout~~ to indicate deletions from the originally proposed regulatory text, while the proposed changes in this second 15-day notice are shown in double underline to indicate additions and ~~double strikeout~~ to indicate deletions from the originally proposed regulatory text. The symbol "\*\*\*\*\*" means that intervening text not proposed for modification is not shown.

## **Written Comments**

Written comments will only be accepted on the modifications and document identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations and additional document shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

Attachments (2)

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov)*