

Attachment 1
4th 15-Day Modifications

**FOURTH 15-DAY PROPOSED MODIFICATIONS TO THE PROPOSED
ADOPTION OF EVAPORATIVE EMISSION CONTROL REQUIREMENTS FOR
OFF-HIGHWAY RECREATIONAL VEHICLES**

Shown on the following pages are the proposed modifications to the original proposed regulatory text set forth in Attachment A of the Staff Report: "Adoption Of Evaporative Emission Control Requirements For Off-Highway Recreational Vehicles" (OHRV), released June 5, 2013. The proposed adoption of new sections in the 45-day notice is shown in plain text. The first 15-day proposed changes, released on January 14, 2014, are shown in single underline to indicate additions and ~~single-strikeout~~ to indicate deletions from the originally proposed regulatory text. The second 15-day proposed changes, released on April 28, 2014, are shown in double underline and ~~double-strikeout~~, respectively. Changes proposed in the third 15-day notice are shown in **double underline** ***bold italics*** and ~~***double-strikeout bold italics***~~, respectively. Changes proposed in this fourth 15-day notice are shown in shaded single underline and ~~shaded single-strikeout~~, respectively. The symbol "*****" means that intervening text not proposed for modification is not shown.

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Adopt Article 3, Chapter 9, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 3. Off-Highway Recreational Vehicles and Engines

§ 2419.54. Evaporative Emissions Control System Testing and Certification Requirement.

(b) Certification Requirements.

(6) Approval and Disapproval of Executive Orders of Certification.

(D) Within 30 days of receiving the notice of intent to disapprove, the OHRV manufacturer may choose to proceed with option 1 or 2 below. If no communication is received from the OHRV manufacturer within 30 days, the Executive Officer will formally disapprove the Executive Order of Certification application.

1. Option 1 - Request a hearing.

2. Option 2 - Repair the test OHRV and demonstrate by retesting that it meets applicable evaporative emissions standards.

3. Option 3 – Replace the One additional test OHRV, which is in all material respects the same as the repaired test OHRV, must and demonstrate by testing, be operated and tested in accordance with the applicable evaporative emissions test procedures requirements of this regulation, that it meets applicable evaporative emissions standards. The evaporative emissions test results for the repaired test OHRV and the additional test OHRV must be submitted to the Executive Officer within 30 days of the notice of intent to disapprove.

(d) Administrative Requirements.

(1) Maintenance of ~~#~~Records for OHRV Manufacturers.

~~(C) Records appropriate to establish the quantities of OHRVs that constitute actual sales for each evaporative family.~~ The OHRV manufacturer must retain all test OHRV(s) used to generate certification or durability data for a period of one year, or for as many years as the emission data or durability data are carried over for certification. Except for running changes and field fixes, such test OHRV(s) must be kept in “as tested” condition, i.e., not modified, tampered with, or allowed to accumulate non-emission test related mileage.

~~(DC)~~ The OHRV manufacturer ~~shall~~must retain all records required to be maintained under this section for a period of eight years from the due date for the end-of-model year report. Records may be retained as a hard copy, on CD-ROM, diskettes, and ~~so forth~~on other electronic storage media, depending on the OHRV manufacturer's record retention procedure; provided, that in every case all information contained in the hard copy is retained. An OHRV manufacturer ~~shall~~must submit all information requested by the Executive Officer within 30 days of the date of such request.

~~(ED)~~ The Executive Officer may revoke or suspend the Executive Order of Certification for an evaporative family for which the OHRV manufacturer fails to retain the records required in this section or fails to provide such information to the Executive Officer upon request. No new Executive Orders of Certification will be issued to the OHRV manufacturer until the requested records are made available and/or ~~a plan that describes the records to be retained as required by this section is approved by~~ the Executive Officer approves an OHRV manufacturer's or evaporative emissions control component manufacturer's submitted plan addressing why the records were unavailable and steps being taken to ensure future records will be available upon request.

(f) Evaporative Testing Requirements.

(1) Compliance Test Procedures.

(C) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures or evaporative emissions control component test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by ~~ARB~~ the Executive Officer. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on OHRV~~s(s)~~ chosen for compliance testing ~~without the written consent of the Executive Officer.~~ ~~If the Executive Officer consents to break-in or modifications, adjustments, or special preparation or maintenance, they these will be performed by the OHRV manufacturer under the supervision of ARB personnel the Executive Officer or their designated representative.~~
