

Note: An Errata to the Second 15-Day Notice is being prepared. This page will be updated. The only change is to the text of the Second 15-Day notice itself. The original text of the Second 15-Day notice said:

Written comments must be submitted to Mr. Michael W. Carter, Chief, Emission Research and Off-Road Controls Branch, Air Resources Board, 9528 Telstar Avenue, El Monte, California 91731, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

Please disregard the name and address provided. The paragraph should read:

Written comments must be submitted to Clerk of the Board, Air Resources Board, 2020 L Street, Sacramento, California, 94814, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

August 12, 1999

Mail Out MSC# 99-19

*** State regulations require that this notice be mailed to all persons who submitted comments during the Off-Road Large Spark-Ignition *** Engine public comment period. This document describes modifications approved by the Board at the October 22, 1998 hearing to be incorporated into the originally proposed regulatory language.

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER ADOPTION OF EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 2001 AND LATER OFF-ROAD LARGE SPARK-IGNITION ENGINES

Public Hearing Date: October 22, 1998
Internet Public Availability Date: August 16, 1999
Public Availability Date: August 16, 1999
Deadline for Public Comment: August 31, 1999

This notice announces a second supplemental period in which the public may comment on additional modifications being proposed for the "Large Off-Road Spark-Ignition Engines Regulations". No action by the public is necessary unless persons wish to comment on the additional modifications.

At a public hearing held October 22, 1998, the Air Resources Board (the "Board" or ARB) considered adoption of sections 2430 through 2439, Title 13, California Code of Regulations ("CCR") and the "California Exhaust Emission Standards and Test Procedures for New 2001 and Later Off-Road Large Spark-Ignition Engines" ("Test Procedures"). The purpose of those regulations is to establish exhaust emission standards for hydrocarbons (HC) and oxides of nitrogen (NOx) combined, and carbon monoxide (CO) for off-road spark-ignition engines 25 horsepower and above. The regulations also establish emission test procedures, test cycles, and fuel specifications, which are representative of real use, and in-use emissions compliance requirements. The regulations also include: separate emission standards for large (engine displacement greater than 1.0 liter(L)) and small (less than or equal to 1.0 L) large spark-ignition (LSI) engines, an engine certification program, an in-use compliance testing program for the large LSI engines, a three year phase-in period to provide manufacturers with added flexibility in achieving the new standards for large LSI engines, and special provisions for small-volume manufacturers, including exclusion from the pre-2004 large LSI engine requirements. Staff also

proposed amendments to the off-highway recreational vehicle (OHRV) regulations (sections 2410-2414, Title 13, CCR) and the associated test procedures. The proposed regulatory action is described in detail in the LSI engine initial statement of reasons (Staff Report), released September 4, 1998, as part of Mail-Out MSC 98-20.

At the hearing, the Board approved the proposed sections 2430 through 2439, Title 13, CCR, and the associated test procedures, with some modifications to the originally proposed regulatory language. The Board also approved the proposed amendments to section 2411 through 2414, Title 13, CCR, and the amendments to the associated test procedures, with some modifications to the originally proposed regulatory language. The modified language was sent out for public comment July 27, 1999, as Mail-Out MSC 99-19. This notice contains further modifications and clarifications to address the concerns noted in comments received regarding Mail-Out 99-19. The regulatory and test procedures sections that have been further modified are contained in Enclosure 1. The following describes the additional modifications, by Section number.

REGULATIONS - LSI ENGINES

§ 2431 - Definitions

The definition of "small volume manufacturer" was modified to clarify that the definition pertains to engine manufacturers.

§ 2433 - Exhaust Emission Standards and Test Procedures - Off-Road Large Spark-Ignition Engines

The originally proposed regulations mailed out with the Staff Report (MSC 98-20) and also included in the first 15-day Notice of Modified Text (Mail-Out MSC 99-19) inadvertently stated that the crankcase emission restriction stated in paragraph (b)(2) began in 2004. The correct year, as was stated in the Staff Report, is 2001. Paragraph (b)(2) was modified to correct the typewritten error.

§ 2434 - Emission Control Labels - 2001 and Later Off-Road Large Spark-ignition Engines

Paragraph (c)(1) was modified to specify that tune up labels need not necessarily be made of metal, but must be made of a permanent material.

§ 2435 - Defects Warranty Requirements for 2001 and Later Off-Road Large Spark-ignition Engines

Section (c)(10) was modified to clarify that manufacturers have the option of either allowing or denying a warranty claim in instances where add-on or modified emissions-related parts are present.

§ 2436. Emission Control System Warranty Statement

The warranty statement requirement, paragraph (a), was modified to allow manufacturers to specify more than one fuel in cases where the engine is designed and certified to run on more than one fuel type.

§ 2438 - In-Use Compliance Program

Staff added language to paragraph (b)(3) to clarify that manufacturers are required to submit the identification of test engines, and not the engines themselves, to the Executive Officer prior to the onset of in-use testing.

Staff corrected the units of power and the procedure to be used in the determination of power in paragraph (e)(7)(A). The correctly cited procedures are more applicable to the type of operation of large spark-ignition engines. The additional documents proposed for incorporation by reference are listed in Enclosure 2.

§ 2439 - Procedures for In-Use Engine Recalls for Large Off-Road Spark-Ignition Engines with an Engine Displacement Greater Than 1.0 Liter

Paragraph (b)(1)(B)(i) was modified to clarify that if a manufacturer uses the in-use emissions credit, averaging, banking, and trading program to remedy a nonconformity, the manufacturer shall provide the description of engines that would otherwise be subject to the recall.

Paragraph (b)(2) was modified to clarify that a manufacturer who uses the in-use emissions credit, averaging, banking, and trading program to remedy a nonconformity during a voluntary recall campaign is not subject to the requirements of this paragraph.

Paragraphs (b) of Section 2434, (b) of Section 2435, (a) of Section 2436, and (a)(1) and (b)(1) of Section 2437 were modified to clarify that these sections apply to engines with a displacement of greater than 1.0 liter and which are certified to comply with the emission standards noted in Section 2433(b). This language clarifies that the engines granted Executive Orders showing they are in compliance with the Section 2433(b) emission standards pursuant to the 2001 -2003 model year phase-in are subject to the enforcement provisions (label, warranty, and compliance and production line testing). Those engines granted Executive Orders showing

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they are not in compliance with the Section 2433(b) emission standards but are legal for sale in California, pursuant to the phase-in, are not subject to these enforcement provisions.

TEST PROCEDURES - LSI ENGINES

§ 1 - General Applicability

The staff added language to paragraph (a) to clarify that the test procedures apply to only new off-road large spark-ignition engines with a displacement greater than 1.0 liter, produced on or after January 1, 2001.

The staff added paragraph (d) which states that large spark-ignition engines with a displacement of 1.0 liter or less are required to use the test procedures for small off-road engines.

§ 2 - Definitions

The definition of "small volume manufacturer" was added to the definition section.

§ 7 - Emission Standards for 2001 and Later Model Year Off-Road Large Spark-Ignition Engines.

The originally proposed test procedures mailed out with the Staff Report (MSC 98-20) and also included in the first 15-day Notice of Modified Text (Mail-Out MSC 99-19) inadvertently stated that the crankcase emission restriction stated in paragraph (c) began in 2004. The correct year, as was stated in the Staff Report, is 2001. Paragraph (c) was modified to correct the typewritten error.

§ 9 - Approval of Application for Certification; Test Fleet Selections; Determinations of Parameters Subject to Adjustment for Certification and New Engine Compliance Testing, Adequacy of Limits, and Physically Adjustable Ranges.

The staff corrected an incorrect reference in paragraph (d)(1)(iii).

The staff corrected grammatical errors in paragraphs (d)(2)(i)(A) and (d)(2)(i)(D).

§ 11 - Test engines

The staff corrected grammatical errors in paragraphs (a)(5) and (d)(2)(iii).

Due to the time period difference between "durability period" and "useful life" which now exists during the years 2004 through 2006, paragraph (d)(1) was modified to clarify that, in generating deterioration factors, manufacturers must demonstrate durability to the emissions durability period.

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As noted above, Enclosure 1 contains the text of the modified regulatory language and associated test procedures. The modifications presented in Mail-Out MSC 99-19 are shown in underline to indicate additions to the original proposal and ~~strikeout~~ to indicate deletions. The second set of modifications to the language presented in Mail-Out MSC 99-19 and Mail-Out MSC 98-20 are shown in **bold double-underline** to indicate additions to the original proposal and ~~**bold strikeout**~~ to indicate deletions. Enclosure 1, along with the text in its entirety, are available online at the ARB's Internet site for the Off-Road Large Spark-Ignition Engine regulatory documents -- <http://www.arb.ca.gov/regact/lore/lore.htm>. Printed copies are also available and may be obtained from Ms. Joyce Stephanik, Mobile Source Control Division, at telephone (626) 575-6632 or fax (626) 575-6686.

The additional modifications are being made available for a second supplemental comment period in accordance with section 11346.8 of the Government Code. In Resolution 98-51 the Board directed the Executive Officer to adopt sections 2430 through 2439 and amendments to sections 2411 through 2414, as approved, after making the modified regulatory language available to the public for comment for a period of at least 15 days, 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 he determines that this is warranted.

Written comments must be submitted to Mr. Michael W. Carter, Chief, Emission Research and Off-Road Controls Branch, Air Resources Board, 9528 Telstar Avenue, El Monte, California 91731, no later than the deadline for public comment identified above, for consideration by the Executive Officer prior to final action. Only comments relating to the modifications described in this notice will be considered by the Executive Officer.

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Thank you for participating in our regulatory process. If you have technical questions concerning the regulatory item please contact Jackie Lourenco, Manager, Off-Road Controls Section, at (626) 575-6676 or David Salardino, Staff, at (626) 575-6679.

Sincerely,

Robert H. Cross, Chief
Mobile Source Control Division

Enclosure