

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO CALIFORNIA'S SMALL OFF-ROAD ENGINE AND TIER 4 OFF-ROAD COMPRESSION-IGNITION ENGINE REGULATIONS AND TEST PROCEDURES; AND, AMENDMENTS TO THE EXHAUST EMISSION CERTIFICATION TEST FUEL FOR OFF-ROAD SPARK-IGNITION ENGINES, EQUIPMENT, AND VEHICLES.

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to California's small off-road engines (SORE) and tier 4 off-road compression-ignition (CI) engine regulations and test procedures. If adopted, these amendments will primarily serve to further harmonize California's regulations with those of the United States Environmental Protection Agency (U.S. EPA). Also considered for adoption will be amendments to the exhaust certification test fuel requirements for California's off-road, spark-ignition engine categories. This notice summarizes the specific amendments being proposed. The Initial Statement of Reasons (ISOR), or "Staff Report", presents the proposed amendments and information supporting the amendments of the regulations and test procedures in greater detail.

DATE: December 15, 2011

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 15, 2011, and may continue at 8:30 a.m., on December 16, 2011. This item may not be considered until December 16, 2011. Please consult the agenda for the hearing, which will be available at least 10 days before December 15, 2011, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 13 (13 CCR), sections 2403 and 2407; and, to the following document as incorporated by reference therein: "*California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines*," as adopted July 26, 2004, and as last amended February 24, 2010; and, the proposed adoption of the following documents incorporated by reference therein: "*California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing*

Procedures (Part 1054)”; and, “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065).”

Proposed adoption of amendments to 13 CCR, sections 2421, 2423, 2424, 2425, 2425.1, 2426, and 2427, and, to the following document as incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-C,”* adopted October 20, 2005; and, to the following documents incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-D,”* adopted October 20, 2005; and, *“California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-F,”* adopted October 20, 2005; and, proposed adoption of the following document incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for New 2011 and Later Tier 4 Off-Road Compression Ignition Engines, Part I-E.”*

Proposed adoption of amendments to 13 CCR, sections 2433, 2783, and 2784; and, to the following documents incorporated by reference therein: *“California Exhaust and Evaporative Emission Standards and Test Procedures For New 2010 and Later Off-Road Large Spark-Ignition Engines (2010 and Later Test Procedure 1048),”* as adopted March 2, 2007, and as last amended November 21, 2008; and, *“California Exhaust and Evaporative Emission Standards and Test Procedures For New 2007 and Later Off-Road Large Spark-Ignition Engines (Test Procedures 1065 and 1068),”* as adopted March 2, 2007.

Proposed adoption of amendments to 13 CCR, section 2412; and, to the following document incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines,”* as adopted May 26, 1995, and as last amended June 1, 2007.

Proposed adoption of amendments to 13 CCR, section 2447; and, to the following document incorporated by reference therein: *“California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines,”* as adopted October 21, 1999, and as last amended June 5, 2009.

BACKGROUND

California’s Off-Road Categories

California’s off-road categories include Small Off-road Engines (SORE, e.g., lawnmowers, chainsaws), large spark-ignition engines (e.g., forklifts), recreational marine engines (e.g., sterndrives, outboards), and off-road recreational vehicles (e.g., motorcycles, all-terrain vehicles). All of these categories use spark-ignition engines that mostly operate on gasoline; however, some SORE and large spark-ignition engines can

operate on alternative fuels, such as liquefied petroleum gas or compressed natural gas. The remaining off-road category is the off-road compression-ignition engine category, which uses compression-ignition diesel-cycle engines.

ARB's Current SORE Regulations and Test Procedures

In 1990, ARB adopted the initial exhaust emission control regulations for new SORE. Manufacturers were able to comply with the adopted emission standards with engine calibration changes and minor engine modifications. In 2003, ARB adopted more stringent exhaust emission standards based on aftertreatment technology (e.g., catalytic converters). These emission standards were fully implemented in 2008.

ARB's Current Off-Road CI Engine Regulations and Test Procedures

The off-road CI engine emission standards are unique in that they vary according to an engine's power rating, and have been implemented in stages rather than all at once in a single year. There are currently four tiers of increasingly stringent emission standards required for off-road CI engines in California. Tiers 1 and 2 were adopted by the Board in 1992. Similarly to the SORE category, CI engine manufacturers were able to comply with these early emission standards with engine calibration changes and minor engine modifications. More stringent tier 3 and tier 4 emission standards were later adopted in 2000 and 2004, respectively. The tier 4 emission standards, in particular, were based on aftertreatment technology (e.g., diesel particulate filters and selective catalytic reduction). The tier 4 emission standards are due to be fully implemented in 2015.

U.S. EPA's Current Regulations and Test Procedures

In 2001, U.S. EPA adopted title 40, Code of Federal Regulations (40 CFR), Part 1065, as a "united" test procedure for both "nonroad" engines and equipment and on-highway heavy-duty CI engines. Part 1065 is currently the technical part of U.S. EPA's regulations that promulgates emissions measurement methodologies, criteria for selecting analytical instrumentation, calibration procedures, and specifications for all on-road CI engine and all nonroad engine categories. Since its initial adoption, Part 1065 has been amended repeatedly to both improve and expand its applicability for the nonroad engine categories.

Since 2005, U.S. EPA has adopted several amendments to its nonroad CI engine regulations contained in Part 1065, as well as to other related parts in 40 CFR. For example, Part 1039 has also been amended. Part 1039 contains standard-setting provisions for nonroad CI engines, and also contains provisions regarding certification procedures, labeling, credit generation, emissions averaging, equipment flexibility options, and hardship relief.

In 2008, U.S. EPA adopted exhaust and evaporative emission standards for small nonroad engines, which coincided with some of ARB's SORE emission standards that were adopted in 2003. At the same time, U.S. EPA further amended several parts of the CFR related to nonroad engines.

Manufacturers' Request for Alignment

In response to these changes to the federal provisions, and since ARB's regulations reference the test procedures contained in the CFR, both SORE and off-road CI engine manufacturers have requested that ARB align with the current versions of U.S. EPA's applicable regulations and test procedures. To this end, ARB staff has worked with manufacturers to enhance the alignment of ARB's SORE and tier 4 Off-Road CI engine standards and test procedures with the current federal provisions without affecting the stringency of California's current emissions standards.

Off-Road, Spark-Ignition Exhaust Certification Test Fuel Requirements

Most of the off-road categories' gasoline-fueled spark-ignition engines are currently required to conduct exhaust emission certification tests using Phase 2 California Reformulated Gasoline, which is oxygenated with methyl-tertiary-butyl-ether or "MTBE". Other test fuels are allowed, such as federal tier II or Indolene, in order to provide manufacturers with some flexibility when testing as long as the stringency of the emission standards and test procedures is maintained.

In a separate rulemaking, scheduled for January 2012, staff will propose for adoption a ten-percent ethanol-blend (E10) gasoline certification test fuel specification for on-road motor vehicles, as part of California's Low-Emission Vehicle (LEV III) program. This provision would re-establish the consistency between the certification test fuel and commercially available gasoline in California. Staff believes that now is also an appropriate time to propose using the same E10 fuel for exhaust emission certification testing of off-road, gasoline-fueled engines. This is discussed in further detail below.

PROPOSED SORE AND TIER 4 OFF-ROAD CI ENGINE AMENDMENTS

Staff proposes to amend ARB's SORE test procedures in order to more completely harmonize with the applicable federal test procedures. Staff proposes to also amend the tier 4 Off-Road Engine test procedures in order to establish a more complete harmonization with the applicable federal test procedures, as existed initially in 2005. In addition, staff proposes to amend the current tier 4 Off-Road Engine regulations in order to better harmonize with federal amendments adopted since 2005, including a recently adopted alternative oxides of nitrogen plus non-methane hydrocarbon (NO_x+NMHC) emission standard. These amendments will reduce manufacturers' certification-related testing and compliance burdens without affecting the effectiveness of the applicable test procedures, and in the case of the tier 4 Off-Road Engines, without affecting the associated emission standards.

Proposed SORE Amendments

Staff proposes that 40 CFR, Part 1054 (emission standard-setting provisions) and Part 1065, be adopted by reference and incorporation, with applicable modifications, into the SORE test procedures, effective for the 2013 and later model years. The current test procedures would be retired after the 2012 model year. Staff also proposes adopting the entire Part 1054, but with modifications that reference and include certain California-specific sections from 13 CCR in place of the similar federal provisions because California already has its own regulatory versions of these federal provisions (i.e., emission standards and other provisions). Further, because most of the general compliance provisions in Part 1068 are either already contained in 13 CCR or are not applicable to California's situation, staff does not find it necessary to include Part 1068 in the alignment proposal. Lastly, staff proposes adopting Part 1065, with the following modifications/additions.

- *Allowance for Supplemental Engine Cooling*

The federal Part 1065 includes section 1065.122, which allows supplemental cooling (i.e., auxiliary cooling fans) of an engine for simulating in-use conditions when conducting exhaust emission testing. However, staff believes that the current California allowance, as stated in sections 90.118(f) and 90.307 of the current test procedures, assures testing is more representative of in-use conditions and prevents use of excess cooling to artificially lower test emissions.

- *Measurement of Particulate Matter Emissions from Two-Stroke Engines*

California's regulations currently have a PM emission standard in place for two-stroke engines. The regulations allow manufacturers the option of demonstrating compliance with this standard using the measured hydrocarbon (HC) emissions as a surrogate for determining PM emission levels. Staff believes that continuing this option is reasonable, and doing so does not affect the stringency of the current PM emission standards. Note that the corresponding federal regulations do not contain a PM emission standard for this source category.

- *Exhaust Emission Certification Test Fuel Requirements*

The federal Part 1065 provides engine test fuel and lubricant information in subpart H. While staff will propose the adoption of this subpart, certain changes are necessary in order to address specific California requirements. In particular, Part 1065 needs to be modified to include the test fuels currently allowed to be used by California for SORE exhaust emission certifications. Further, because staff will also propose new E10 certification test fuel requirements, Part 1065 needs to be modified to allow the use of an E10 test fuel as an option for conducting exhaust emission certification for the 2013 through 2018 model years, with mandatory use beginning with the 2019 model year.

Proposed Tier 4 Off-Road CI Engine Amendments

Staff proposes that the current California tier 4 off-road CI engine test procedures be renamed and retired after the 2012 model year and replaced by new ones that are based on the current test procedures with modifications that incorporate the California-appropriate revisions for those revisions made by U.S. EPA to Parts 1039, 1065, and 1068 since 2005. The most notable revisions would include the following:

- *Tier 4 Alternative Oxides of Nitrogen plus Non-Methane Hydrocarbon (NO_x+NMHC) Standards and FEL Caps*

Staff proposes to align with federal alternate NO_x+NMHC standards and the corresponding Family Emission Limits (FEL caps) for tier 4 engines ranging from 56 kW through 560 kW that are included in Part 1039. This would restore the original intent of the tier 4 regulations of allowing manufacturers to continue certifying a small number of tier 3 engines using emission credits as the tier 4 standards are phased in, but which is inadvertently hindered because the tier 4 averaging programs do not allow manufacturers to show compliance with the existing 0.19 g/kW-hr NMHC standard using credits.

- *Alternative NO_x FEL Cap Applicability*

Staff proposes to align with a federal clarification on the start dates for the Alternative 20-percent NO_x FEL caps in order to correct an inconsistency found within the regulations. The Alternative NO_x FEL caps should extend over a four-year period, upon commencement of the tier 4 emission standards. A table within the regulations erroneously indicates that these caps would be in place over only a two-year period.

- *Stockpiling and Definitions*

Staff proposes to align with the federal provisions that would prohibit over-production (stockpiling) of engines prior to a year in which a change in emission standards occurs. Staff also proposes revising of numerous test procedure and administrative related definitions to align with the corresponding federal definitions.

While most of the amendments to the tier 4 test procedures would harmonize ARB's and U.S. EPA's requirements, staff proposes some amendments that would be unique to California. Most notable of these are the following:

- *Emission Control Warranty Statement*

Staff proposes to amend the emission control warranty statement regulations to clarify the requirement for manufacturers to include a copy of the California Emission Control Warranty Statement with all off-road CI engines.

- *Enhanced New and Replacement Engine Labeling Requirements*

Staff proposes to include a requirement that additional information, beyond that required by U.S. EPA, be included on off-road CI engine emissions control labels to aid in the implementation, compliance, and enforcement of ARB's various off-road diesel in-use regulations, such as transport refrigeration units, off-road fleets, and ports. These California-specific programs require in-use fleets to comply with an averaged target emissions level based on the model year, the certification tier, and/or the power of the engines/equipment in the fleet. Fleet owners are responsible for calculating their fleet averages and target emission levels per the provisions of the applicable in-use regulation. However, current labeling provisions for replacement engines do not require this particular information. This makes in-use registration by fleet owners more complicated and error prone, and hinders ARB's effective enforcement efforts in the field. Accordingly, staff proposes that, in addition to current labeling requirements, all labels for new and replacement off-road CI engines include information about the engine power, reference family name, and date of manufacture, beginning January 1, 2013.

- *Other Differences Between California and Federal Requirements*

Various other miscellaneous differences would remain. These are discussed further under "COMPARABLE FEDERAL REGULATIONS," below, and in much greater detail in the ISOR.

Proposed Exhaust Emission Certification Test Fuel Amendment

Staff proposes to revise the current exhaust emission certification test fuel provisions for off-road, gasoline-fueled engines to require the use of E10 gasoline. Specifications and the use of E10 gasoline is scheduled to be proposed in January 2012 in a separate rulemaking for on-road motor vehicle certification emission testing under California's LEV III program. For off-road, the new E10 test fuel would be required for exhaust emission certification testing of new gasoline-fueled, large spark-ignition engines, SORE, off-road recreational vehicles, and recreational marine engine categories. Staff will propose that the use of E10 be made an option for exhaust emission testing for the 2013 through 2018 model years. Use of the E10 test fuel would become mandatory for exhaust emission testing beginning with the 2019 model year, at which point only the E10 test fuel would be allowed for certification testing purposes.

COMPARABLE FEDERAL REGULATIONS

In 2008, U.S. EPA adopted changes to several equipment categories including regulations for small nonroad engines which aligned the national emission standards with the current California exhaust emission standards. The new federal exhaust emission standards are to be phased-in with the 2011 or 2012 model years, depending on engine displacement. Along with the adoption of these emission standards, U.S. EPA required emission tests to be performed based on 40 CFR, Parts 1054 and CFR 1065. As previously noted, the proposed amendments would align California's SORE exhaust emission test procedures with current federal procedures with certain

modifications to ensure expected future emission benefits in California. The proposed amendments would not affect any of California's existing SORE exhaust emission standards.

On June 29, 2004, U.S. EPA promulgated the nonroad tier 4 regulations in 40 CFR, Parts 1039, 1065, and 1068 for new off-road CI engines. Since 2005, U.S. EPA has adopted several amendments to its regulations contained in these parts¹. The staff's proposal generally harmonizes ARB's regulation with the federal rule, while preserving specific features needed by California.

Specific features of staff's proposal differ from the current U.S. EPA regulation in the following areas: replacement engine labeling requirements, preliminary approvals, untracked replacement engine provisions, partially completed engine requirements, and the definition of an engine. Existing differences from the federal tier 4 2004 rulemaking that have been retained include: flexibility engine labeling provisions, flexibility engine Executive Orders, rebuild labeling prohibition and supplemental label requirements, extension of replacement engine reporting requirements, and in-use compliance/recall program provisions.

The differences that remain between the two programs are justified by the benefit to human health, public welfare, and the environment. In addition, the differences from the federal program are authorized by Health and Safety Code sections 43013 and 43018.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report, for the proposed regulatory actions, which describes the basis of the proposed actions, and includes a summary of the economic and environmental impacts of the proposed amendments. The Staff Report is entitled: "Proposed Amendments to California's Small Off-Road Engine and Tier 4 Off-Road Compression-Ignition Engine Regulations and Test Procedures; and, Amendments to the Exhaust Emission Certification Test Fuel for Off-Road Spark-Ignition Engines, Equipment, and Vehicles."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikethrough format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on October 26, 2011.

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact person in this notice, or may be accessed on the ARB's website listed below.

¹ Ref.: 72 FR 72955 (Dec. 26, 2007); 73 FR 59521 (Oct. 8, 2008); 74 FR 84270 (Feb. 24, 2009); 74 FR 56260 (October 31, 2009); and, 76 FR 37977 (June 28, 2011).

Inquiries concerning the substance of the proposed amendments to the SORE regulation may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Ms. Yun Hui Park, Air Resources Engineer, at (626) 450-6263.

Inquiries concerning the substance of the proposed amendments to the tier 4 off-road CI engine regulations may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Mr. Jeff Lowry, Staff Air Pollution Specialist, at (626) 575-6841.

Inquiries concerning the substance of the proposed amendments to the off-road engine categories' exhaust emission certification test fuel amendments may be directed to the designated agency contact persons, Mr. Ronald Haste, Manager of the Off-Road Control Section, at (626) 575-6676, or Mr. Andrew Spencer, Air Pollution Specialist, at (626) 575-6675.

Further, the agency representative and designated back-up contact persons, to whom nonsubstantive inquiries concerning the proposed administrative action may be directed are Ms. Lori Andreoni, Manager, Board Administration and Regulatory Coordination Unit, (916) 322-4011, or Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2011/soreci2011/soreci2011.htm>

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed amendments to the regulations are presented below.

1. Costs to State Government and Local Agencies

Pursuant to Government Code section 11346.5(a)(5), the Executive Officer has determined that the proposed regulatory action would not create any costs to or mandates on any local agency or school district that are reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500).

Pursuant to Government Code section 11346.5(a)(6), the Executive Officer has determined, based on estimates prepared in accordance with instruction adopted by the Department of Finance, that the amendments to the SORE, tier 4 off-road CI engine, large spark-ignition, recreational marine, and off-road recreational regulations would not create additional costs to any State agency or to any local agency or school district, whether or not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500), create other nondiscretionary costs on local agencies, and affect costs or savings in federal funding to the State.

2. Effect on Businesses and Private Persons

The determinations of the Board's Executive Officer, pursuant to Government Code section 11346.5(a)(9), concerning the costs or savings necessarily incurred by representative private persons and businesses in reasonable compliance with the proposed amendments to the regulations are presented below.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed amendments to the SORE and tier 4 off-road CI engine were developed in response to manufacturers' requests that ARB align the regulations and test procedures with the current federal versions. Alignment will primarily allow manufacturers to avoid extra compliance burdens associated with either performing duplicative test procedures or creating separate California and 49-state engines. Accordingly, ARB staff has worked with manufacturers to enhance the alignment of ARB's SORE and tier 4 Off-Road CI engine regulations and test procedures, as applicable, without affecting the stringency of California's current emissions standards and test procedures. The proposal would result in zero additional cost to certifying manufacturers and independent emission testing facilities. In fact, the majority of amendments being proposed for adoption into the California regulations are intended to remove obstacles to compliance.

The proposed amendments to the SORE, large spark-ignition, recreational marine, and off-road recreational vehicle regulations and test procedures will align the exhaust emission certification test fuel for these off-road categories with the same certification test fuel that ARB will propose, in January 2012, for use by on-road motor vehicles. Staff proposes that mandatory use of this new fuel is not required until the 2019 model year. The new certification test fuel is expected to cost the same as the current one; therefore, the proposed amendment does not impose any additional cost on the manufacturers and independent testing facilities.

This proposed action may affect small business within the meaning of Title 1, California Code of Regulations, Section 4.

3. Effect on State Economy

The Executive Officer has made an initial determination that the proposed amendments to the SORE, tier 4 off-road CI engine, large spark-ignition, recreational marine, and off-road recreational vehicle regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons. In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California.

4. Consideration of Alternatives

Before taking final action on the proposed regulatory actions, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. Alternatives that staff considered are discussed in the Staff Report.

ENVIRONMENTAL ANALYSIS

In accordance with ARB's certified regulatory program, California Code of Regulations, title 17, sections 60006 through 60007, and the California Environmental Quality Act, Public Resources Code section 21080.5, ARB has conducted an analysis of the potential for significant adverse and beneficial environmental impacts associated with the proposed regulatory action. The environmental analysis of the proposed regulatory action can be found in Chapter V of the ISOR.

SUBMITTAL OF COMMENTS

Interested members of the public may present comments relating to the proposed amendments orally or in writing at the meeting, and comments may be submitted by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on October 31, 2011. To be considered by the Board, written comments, not physically submitted at the meeting, must be submitted on or after October 31, 2011 and received no later than 12:00 noon on December 14, 2011, and must be addressed to the following:

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 the webpage provided above for electronic submittal is for comments on the following off-road-related regulations:

- SORE
- Tier 4 off-road CI engines
- Off-road spark-ignition engine exhaust emission certification test fuel

To ensure that all comments are properly considered and responded to, please identify in the subject heading of each comment letter the regulation(s) for which comments are being submitted.

You can sign up online in advance to speak at the Board meeting when you submit an electronic board item comment. For more information go to: <http://www.arb.ca.gov/board/online-signup.htm>.

Please note that under the California Public Records Act (Government Code §6250 et seq.), your written and oral 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.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, 43105 and 43107; and, in Vehicle Code sections 38020 and 38390. This action is proposed to implement, interpret, and make specific Health and Safety Code sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43107, 43150-43154, 43205.5, and 43210-43212; and, Vehicle Code sections 38020 and 38390.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15-days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

At the Board meeting, the Board may direct staff to develop additional modifications to the regulation to be considered at a later Board hearing. If directed to do so, ARB will prepare a separate notice of proposed rulemaking that will be published not less than 45-days before the scheduled hearing date.

SPECIAL ACCOMMODATION REQUEST

Special accommodation or language needs can be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Comodidad especial o necesidad de otro idioma puede ser proveído para alguna de las siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD

/s/

James N. Goldstene
Executive Officer

Date: October 18, 2011

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 our website at www.arb.ca.gov