

APPENDIX IV

15-Day Modifications to the Original Proposal

Title 13 California Code of Regulations

CALIFORNIA REGULATIONS FOR OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

NOTE: This appendix shows staff's proposed modifications to the regulatory amendments adopted by the Air Resources Board on December 16, 2011, in accordance with Resolution 11-41. All existing regulatory language is indicated by plain type. Staff's originally proposed additions to the regulatory language, as specified in Appendix E of the Staff Report: Initial Statement of Reasons, are shown in underlined text and staff's originally proposed deletions are shown in ~~strikeout~~. Staff's incorporation of proposed modifications to the original proposal, as described in Attachment G of Resolution 11-41 and via conforming modifications thereof, and as directed by the Board on December 16, 2011, are shown in double underlined text to indicate additions and ~~double strikeout~~ text to indicate deletions. Only these double underlined and ~~double strikeout~~ modifications are subject to comment during this comment period. " * * * * " are provided for reference to indicate portions of the existing regulations for which amendments were not proposed in the original proposal and for which modifications are also not proposed with this Notice of Modified Text.

Amend section 2412, title 13 California Code of Regulations, to read as follows:

§ 2412. Emission Standards and Test Procedures – New Off-Highway Recreational Vehicles and Engines.

* * * * *

(c)(1) The test procedures for determining certification and compliance with the standards for exhaust and evaporative emissions from new off-highway recreational vehicles are set forth in “California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway Recreational Vehicles and Engines,” adopted November 23, 1994, and last amended ~~August 15, 2007~~ <insert date of amendment>, which are hereby incorporated by reference herein and which in turn incorporate by reference Subparts E and F of Part 86, and Subparts A, B, C, F, and I of Part 1051, Title 40, Code of Federal Regulations. Manufacturers of the following are not required to perform emissions testing, but must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California:

(A) Golf carts.

(B) Off-road motorcycles and all-terrain vehicles, and engines used in such vehicles, as described in subsection (f) below.

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from all-terrain vehicle, off-road sport vehicle, off-road utility vehicle, and sand car engines (those engines utilizing the engine-based optional standards noted in (b) above) are set forth in “California Exhaust Emission Standards and Test Procedures for 1995-2004 Small Off-Road Engines,” adopted March 20, 1992, and last amended ~~July 26, 2004~~ July 26, 2004 <insert date of amendment>. For 2013 and later model years, the test fuel requirements for engines utilizing such optional standards are specified in §1065.701, of the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines: Engine-Testing Procedures (Part 1065),” adopted <insert date of adoption>.

(d)(1) For chassis-based testing, compliance with a standard to be applied as a “corporate average” shall be determined as follows:

* * * * *

STD_{jx} = The manufacturer designated HC exhaust emission standard for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and (2) no engine family designation or engine family exhaust emission standard

shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with "California Exhaust Emissions Standards and Test Procedures for 1997 and Later Off-highway Recreational Vehicles and Engines" adopted November 23, 1994 and last amended <insert date of amendment>, and shall be required to meet the manufacturer's designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.

* * * * *

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43107, Health and Safety Code. Reference: Sections 43013, 43018, 43102, 43104 and 43107, Health and Safety Code.