

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and  
Availability of Additional Documents**

CALIFORNIA CERTIFICATION PROCEDURES FOR LIGHT-DUTY ENGINE  
PACKAGES FOR USE IN LIGHT-DUTY SPECIALLY CONSTRUCTED VEHICLES  
FOR 2012 AND SUBSEQUENT MODEL YEARS

Public Hearing Date: November 17, 2011  
Public Availability Date: August 8, 2012  
Deadline for Public Comment: August 23, 2012

At its November 17, 2011 public hearing, the Air Resources Board (Board or ARB) considered the adoption of new regulations and associated certification procedures for new light-duty engines for use in specially constructed vehicles (SPCNS, such as kit cars) in title 13, California Code of Regulations (CCR), sections 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, and 2218, which incorporate by reference "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years." The regulation and associated certification procedures are intended to ensure that certified engine packages, when placed into any SPCNS, would meet applicable new vehicle emission standards, and be able to meet Smog Check requirements, and would not impose any requirements on engine manufacturers or hobbyists. Instead, certifying engine packages via the new regulation and associated certification procedures would be entirely optional for engine manufacturers. Hobbyists would not be required to purchase or utilize certified engine packages, but could continue to use the existing process to register their SPCNSs for use in California.

At the November 17, 2011 hearing, the Board adopted Resolution 11-38, provided as Attachment 1 to this notice, that covered the proposed adoption of title 13, CCR new sections 2210 through 2218 and the incorporated "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years" (hereafter, referred to as the incorporated certification procedures) that were initially proposed by staff and described in the Notice of Public Hearing (45-Day Public Notice) and Staff Report, which were initially published on October 4, 2011. Modifications were suggested by staff in a document entitled "Staff's Suggested Modifications to the Original Proposal" that was distributed at the hearing and that was Attachment C to the Resolution.

In accordance with Government Code section 11346.8, the Board directed the Executive Officer to adopt new sections 2210 through 2218 and the incorporated certification procedures, as proposed by staff, and to determine if additional modifications to the proposed regulations and incorporated certification procedures

along with the modifications set forth in Attachment C to Resolution 11-38, are appropriate, and make all modified regulatory language available for public comment for a period of 15 days before taking final action to adopt the amendments. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Resolution 11-38 further directed the Executive Officer to prepare and approve written responses to comments received, including comments raising significant environmental issues, as required by Government Code section 11346.9, Public Resource Code section 21080.5(d)(2)(D), and the California Code of Regulations, title 17, section 60007, to determine whether there are feasible alternatives or mitigation measures that could be implemented to reduce or eliminate any potential adverse environmental impacts, to make findings as required by Public Resources Code section 21081 if the proposed amendments would result in one or more significant adverse environmental impacts, and to take final action to adopt the proposed adoption of California Code of Regulations, title 13, sections 22210 through 22218 and the incorporated "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years", as modified in the publicly noticed 15-day changes.

The regulatory documents for this rulemaking, including Resolution 11-38, are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2011/spcn11/spcn11.htm>

This notice is an announcement of the opening of a 15-day comment period in which the public may provide comments on proposed adoption of Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles.

### **Summary of Proposed Modifications and Modified Text Being Made Available**

Attachment 1 to this notice is Board Resolution 11-38.

Attachment 2 to this notice contains the text of title 13, California Code of Regulations sections 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, and 2218 that shows the proposed 15-day modifications to the originally proposed regulation "Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles."

Attachment 3 to this notice shows the proposed 15-day modifications to the originally proposed "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years."

Additions to the initially noticed regulatory text and incorporated certification procedures are denoted by underline and deletions by ~~strikeout~~.

The following is a summary of the proposed substantive modifications and staff's rationale for making them.

## **I. Modifications to Regulatory Text of title 13, California Code of Regulations (CCR) Sections 2211 through 2218 Being Made Available for Public Comment**

### **A. Definitions [13 CCR section 2211]**

The definition of "Motor vehicle inspection and maintenance program" was added to clarify the program cited in amended section 2214(h). (2211(a)(11))

The definition of "Smog Check inspection" was added to clarify the requirements of and to provide consistency with sections:2212(g)(1), 2212(g)(8), 2212(h)(5), 2214(h)(1), 2214(h)(2)(A)-(C), 2214(h)(3), 2215(b)(2), 2215(b)(3),2215(d)(1), 2215(d)(2)(B), 2215(d)(3)(B), and 2215(o)(2)(C). (2211(a)(13))

The definition of "Useful Life" was amended to clarify that certified engine packages certified to the Low Emission Vehicle (LEV) II standards are subject to a period of 120,000 miles or 10 years for exhaust and crankcase emissions, and that certified engine packages certified to the LEV III standards are subject to a period of 150,000 miles or 15 years for exhaust and crankcase emissions for certified engine packages certified to the LEV III exhaust emission standards. (2211(a)(16))

### **B. Emission Standards, Test Procedures, Package Requirements, and Reporting Requirements for Engine Packages for Specially Constructed Vehicles [13 CCR section 2212]**

Sections 2212(c) and 2212(c)(1) have been amended to clarify that certified engine packages must not exceed applicable Low Emission Vehicle (LEV) II or LEV III exhaust emission standards.<sup>1</sup>

New sections 2212(c)(1)(A), (c)(1)(B), and (c)(1)(C) were added to specify the LEV II or LEV III emission standards applicable to 2012 through 2020 and subsequent model year (MY) certified engine packages.

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<sup>1</sup> As adopted by the Board on March 22, 2012, the LEV II exhaust emission standards and associated test procedures are applicable to 2012 through 2014 model year certified engine packages. The LEV III exhaust emission standards and associated test procedures are applicable to 2015 and subsequent model year certified engine packages; however, manufacturers have the option of certifying 2015 through 2019 model year certified engine packages to the LEV II exhaust emission standards. Any 2020 and subsequent model year certified engine packages must be certified to the LEV III exhaust emission standards. The LEV III standards were proposed by ARB staff in a separate rulemaking action that was presented for the Board's consideration on January 26, 2012 to consider "LEV III" amendments to the California Low-Emission Vehicle (LEV) regulations. That rulemaking action was filed with the Office of Administrative Law on June 25, 2012.

Section 2212(c)(2) has been modified by inserting “certified” before “engine package” to further clarify that the “50°F Exhaust Emission Standards” apply to certified engine packages, and by inserting “the following” before “exhaust emission standards” to clarify that the applicable exhaust emission standards are specified below in section 2212(c)(2).

New section 2212(c)(2)(A) has been added and the existing table in 2212(c)(2) modified to clarify that the “50°F Exhaust Emission Standards” for certified engine packages subject to the LEV II exhaust emission standards are applicable to 2012 through 2014 MY certified engine packages and also 2015 through 2019 MY certified engine packages certified to the LEV II exhaust emission standards in section 2212(c)(1)(A). The table has also been amended by clarifying the test procedures applicable to the LEV II 50°F Exhaust Emission Standards.

New section 2212(c)(2)(B) has been added to specify the “50°F Exhaust Emission Standards” for certified engine packages subject to the LEV III exhaust emission standards and to also specify the test procedures applicable to the LEV III 50°F Exhaust Emission Standards.

Section 2212(c)(3) has been modified by adding “and Highway NMOG and NO<sub>x</sub> Standard” to “Highway NO<sub>x</sub> Standard” to reflect the fact that the LEV III standard for emissions measured on the modified federal Highway Fuel Economy Test specifies a maximum standard for emissions of both non-methane organic gases (NMOG) and oxides of nitrogen (NO<sub>x</sub>).

New section 2212(c)(3)(A) modifies previously proposed section 2212(c)(3) by clarifying that 2012 through 2014 MY certified engine packages are subject to the LEV II Highway NO<sub>x</sub> standard in title 13, CCR section 1961(a)(6).

New section 2212(c)(3)(B) has been added to clarify that 2015 through 2019 MY certified engine packages that are certifying to the LEV II exhaust emission standards in section 2212(c)(1)(A) are subject to the LEV II Highway NO<sub>x</sub> standard in title 13, CCR section 1961(a)(6).

New section 2212(c)(3)(C) has been added to clarify that 2015 and subsequent MY certified engine packages that are certifying to the LEV III exhaust emission standards in section 2212(c)(1)(C) must demonstrate compliance with the Highway NMOG + NO<sub>x</sub> standard specified in section 2212(c)(3)(C).

The existing table in section 2212(c)(3) that specified the Highway NO<sub>x</sub> standard for certified engine packages has been amended by substituting 0.09 g/mi NO<sub>x</sub> for the 0.07 g/mi NO<sub>x</sub> value that was included in the original table for certified engine packages certifying to the LEV II exhaust emission standards. The table has also been amended by adding a column for “NMOG + NO<sub>x</sub>” emissions applicable to certified engine packages certifying to the LEV III exhaust emission standards, by adding the Highway NMOG + NO<sub>x</sub> standard for certified engine packages certifying to the LEV III exhaust

emission standards, by indicating that the durability basis for the LEV III Highway NMOG + NO<sub>x</sub> standard is 150,000 miles. Finally, the table has been amended by deleting the footnote stating that the applicable exhaust emission standard for NO<sub>x</sub> at the full durability mileage under the highway fuel economy test (HFET) is 1.33 times the NO<sub>x</sub> standard at the full durability mileage under the Federal test procedure (FTP). This footnote is no longer needed because the exhaust emission standard for NO<sub>x</sub> at the full durability mileage is included in the table.

New section 2212(c)(4)(A) modifies previously proposed section 2212(c)(4) by clarifying that 2012 through 2014 MY certified engine packages and 2015 through 2019 MY certified engine packages that are certifying to the LEV II exhaust emission standards in section 2212(c)(1)(A) must also demonstrate compliance with section 1961(a)(7), title 13, CCR which references 13 CCR 1960.1(r).

The existing table in section 2212(c)(4) that specified the Supplemental Federal Test Procedure (SFTP) for Off-Cycle Emission Standards in 13 CCR 1960.1(r) has been modified by adding a column for medium duty vehicles (MDV) with Loaded Vehicle Weight between 3751 and 5750 pounds and specifying applicable standards for such vehicles. The table was further amended by amending the standards applicable to MDVs in the 5751-8500 pound Loaded Vehicle Weight range to be consistent with the values in 13 CCR 1960.1(r).

New section 2212(c)(4)(B) has been added to clarify that 2015 and subsequent MY certified engine packages that are certifying to the LEV III exhaust emission standards in section 2212(c)(1)(C) must demonstrate compliance with the specified SFTP standard.

Section 2212(c)(5) has been modified by adding new subsection (A) to clarify the test procedures for determining compliance with the LEV II exhaust emission standards and to update the last amended date of the "California Non-Methane Organic Gas Test Procedures," from July 30, 2002 to March 22, 2012. New subsection (B) has been added to specify the test procedures for determining compliance with the LEV III exhaust emission standards.

Sections 2212(g)(1), and (g)(8) have been modified by substituting "Smog Check" for "emission" inspection to clarify that the specified components (malfunction indicator light or MIL, connector) must be readily identifiable to an inspector who is performing a Smog Check inspection.

Section 2212(h)(5) has been modified by deleting text referring to "enhanced area" Smog Check inspection and by adding text specifying that the installation instructions must provide that the evaporative canister and vapor lines are capable of, and be accessible for, off-board low pressure evaporative testing as part of a Smog Check inspection and by clarifying that the installation instructions must state that the fuel cap and fuel filler neck must be capable of being tested as part of a Smog Check inspection or be equivalent to that manufactured by a large volume original equipment

manufacturer for 2006 MY or later.

### **C. Emission Control Labels – Certified Engine Packages for use in Specially Constructed Vehicle Engines [13 CCR section 2213]**

Section 2213(c)(2)(B) has been modified by adding new subsection 1. to clarify the guidelines applicable to certified engine packages certifying to the LEV II exhaust emission standards in sections 2212(c)(1)(A), 2212(c)(2)(A), 2212(c)(3)(A), and 2212(c)(4)(A), and adding new subsection 2. to clarify the guidelines applicable to certified engine packages certifying to the LEV III exhaust emission standards in sections 2212(c)(1)(C), 2212(c)(2)(B), 2212(c)(3)(C), and 2212(c)(4)(B).

Section 2213(c)(2)(D) has been modified to clarify the date that the “California Environmental Performance Label Specifications for 2009 and Subsequent Model Year Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles” was last amended was March 22, 2012.

### **D. Defects Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles [13 CCR section 2214]**

Section 2214(d)(2) was modified by clarifying that only warranted parts scheduled for regular inspection for maintenance reasons as specified in the written instructions are required to be warranted for the warranty period in 2214(b)(2).

Sections 2214(e), 2214(g), and 2214(h)(1) were modified by adding “adopted” before the date the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years” is ultimately adopted.

Section 2214(h) was modified by editing the title of the section from “Vehicle Inspection Program” to “Motor Vehicle Inspection and Maintenance Program.”

Sections 2214(h)(1), (h)(2), (h)(2)(A), (h)(2)(B), (h)(2)(C), and (h)(3) were modified by adding “Smog Check” before “inspection” to further clarify that the requirements in section 2214 apply to specially constructed vehicles that fail to pass Smog Check inspections.

Section 2214(h)(2)(A) was modified by adding “improper installation” as a condition that would allow a certified engine package manufacturer to deny a warranty claim for a “high-priced” part.

Section 2214(h)(2)(B) was modified to clarify that the owner of a certified engine package that fails to pass a Smog Check inspection shall be responsible for diagnostic and repair expenses, up to the maximum repair costs permissible under the motor vehicle inspection and maintenance program.

Section 2214(h)(3) was modified to clarify that it applies to the owner of a certified engine package in a light-duty specially constructed vehicle that fails a Smog Check inspection, and that if such an owner elects to have a warrantable defect repaired at other than a warranty station, the cost for repairs of warrantable defects shall not apply toward the repair cost limit pursuant to Health and Safety Code section 44017.

Section 2214(i) was modified by adding improper installation of an engine as a condition that would allow a certified engine package manufacturer to deny warranty coverage provided the manufacturer could demonstrate the improper installation was the direct cause of the need for the repair or replacement of any warranted part.

Section 2214(m)(2)(B) was modified by deleting the unnecessary term “emissions” appearing between “motor vehicle” and “inspection and maintenance program.”

#### **E. Performance Warranty Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles [13 CCR section 2215]**

Sections 2215(b)(2) and (b)(3) were modified by deleting the unnecessary phrase “established under section 44012 of the Health and Safety Code (“inspection”).” following “Smog Check inspection.”

Section 2215(b)(3) was further modified by adding “Smog Check” prior to “inspection” to further clarify that the coverage of the performance warranty extends to passage of a Smog Check inspection by a SPCNS with a certified engine package.

Section 2215(c)(1) was modified by substituting “[insert date]” for “DATE” after the reference to the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years,” and by deleting the unnecessary text “applicable regulations in article 2 of this subchapter.”

Section 2215(c)(2) was modified by substituting “[insert date]” for “DATE” after the reference to the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years.”

Section 2215(d)(1) was modified by adding “improper installation” as a condition that would allow a certified engine package manufacturer to deny an emission performance warranty claim if the manufacturer demonstrates that the failure of the inspection was directly caused by the improper installation.

Sections 2215(d)(1), (d)(2)(B), and (d)(3)(B) were modified by adding “Smog Check” prior to “inspection” to clarify that the coverage of the performance warranty extends to passage of a Smog Check inspection by a SPCNS with a certified engine package.

Section 2215(o)(2)(C) was modified by adding “Smog Check” prior to “inspection” to clarify that the coverage of the performance warranty extends to passage of a Smog Check inspection by a SPCNS with a certified engine package.

#### **F. Requirements for Installers of Certified Engine Packages for Use in Specially Constructed Vehicles [13 CCR section 2218]**

Section 2218(b)(2) was modified to clarify that upon ARB’s request, installers of certified engine packages must immediately provide records documenting the proper assembly of each SPCNS.

**Please note that no modifications are proposed to either the “Warranty Reporting Requirements for Certified Engine Packages for Use in Specially Constructed Vehicles” [13 CCR section 2216] or “Recall Procedures for Motor Vehicle Engines Certified for Use in Specially Constructed Vehicles” [13 CCR section 2217].**

The following is a summary of the proposed substantive modifications to the originally proposed “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years” and staff’s rationale for making them.

## **II. Modifications to “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years” Being Made Available for Public Comment**

The preface to the incorporated certification procedures has been modified to clarify that the term “Executive Officer” means the ARB Executive Officer or his or her authorized representative or designate.

The title of the incorporated certification procedures has been modified to be consistent with title 13, CCR sections 2212(d), (f), and (h); 2214(e), (g), (k), and (l)(1); and 2215(c)(1) and (c)(2).

### **A. Emissions Standards**

Section 2 of the procedures has been modified by adding “title” before “13 CCR.” Section 2 has also been modified to clarify that the exhaust and evaporative emission standards applicable to certified engine packages are specified in title 13, CCR sections 2212(c)(1) through (4) and section 2212(d), respectively, and by deleting the existing



references to the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles”, adopted August 5, 1999, as last amended September 27, 2010, and the “California Evaporative Emissions Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles”, adopted August 5, 1999, and last amended December 2, 2009.

## **B. Vehicle Testing**

Section 4(a) of the procedures has been modified by adding “applicable” before “California new vehicle exhaust emission standards”, by deleting the unnecessary text “of the”, and by substituting “section 2212(c)(1)(A) or section 2212(c)(1)(C)” for “section 1961(a)(1)” to clarify that certified engine packages may be subject to either LEV II or LEV III exhaust emission standards.

Subsection 4(a)(1) has been modified by: adding a subsection title “LEV II and LEV III Exhaust Emission Standards”; deleting the existing reference to the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, and the “California Non-Methane Organic Gas Test Procedures,” as amended July 30, 2002, and by adding subsection 4(a)(1)(A) to specify the updated test procedures for determining compliance with the LEV II exhaust emission standards in title 13, CCR section 2212(c)(1)(A), and by adding subsection 4(a)(1)(B) to specify the updated test procedures for determining compliance with the LEV III exhaust emission standards in title 13, CCR section 2212(c)(1)(C) and 4(a)(1)(B).

Subsection 4(a)(2) has been modified by replacing the existing text requiring manufacturers to demonstrate compliance with the 50°F exhaust emission standards for LEV II passenger cars or light-duty trucks in accordance with the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” adopted August 5, 1999, as last amended September 27, 2010, with two subsections.

New subsection (4)(a)(2)(A) specifies that compliance with the LEV II 50°F exhaust emission standards in title 13, CCR section 2212(c)(2)(A) must be demonstrated in accordance with the procedures specified in 40 CFR Part 86, Subpart B as modified by Part II, Section C of the “California 2001 Through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 Through 2016 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended March 22, 2012, incorporated by reference in section 1961(d).

New subsection 4(a)(2)(B) specifies that compliance with the LEV III 50°F exhaust emission standards in title 13, CCR section 2212(c)(2)(B) must be demonstrated in accordance with the procedures specified in 40 CFR Part 86, Subpart B as modified by Part II, Section C of the “California 2015 and Subsequent Model Criteria Pollutant

Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as adopted March 22, 2012.

Subsection 4(a)(3) was modified by adding “and Highway NMOG + NO<sub>x</sub> Standard” to the subsection title to clarify that the LEV III standard for emissions measured on the modified federal HFET specifies a standard for emissions of both NMOG and NO<sub>x</sub>.

New subsection heading 4(a)(3)(A) was added to clarify the applicable test procedures for certified engine packages certifying to LEV II Highway NO<sub>x</sub> standard in title 13, CCR section 2212(c)(3)(A).

New subsection 4(a)(3)(B) was added to specify the applicable test procedures for certified engine packages certifying to LEV III Highway NMOG + NO<sub>x</sub> standard in title 13, CCR section 2212(c)(3)(C).

Subsection 4(a)(4) was modified by adding a subsection (A) heading to clarify the applicable test procedures for certified engine packages certifying to LEV II SFTP Off-Cycle Emission Standards in title 13, CCR section 2212(c)(4)(A). Subsection 4(a)(4)(A) was also modified by substituting “Compliance with the LEV II SFTP Off-Cycle emission standards in title 13, CCR section 2212(c)(4)(A) must be demonstrated in accordance with” for “Manufacturers must also demonstrate compliance with the SFTP Off-Cycle Standards for LEV II passenger cars or light-duty trucks, as applicable, as outlined in.” Lastly, subsection 4(a)(4) was modified by updating the test procedures applicable to certified engine packages certifying to the LEV II SFTP Off-Cycle emission standards, by inserting “Part I” before “subpart D, section 2, SFTP General Provisions for California” to more provide a more precise citation to the section of the updated test procedures, and by adding text to incorporate by reference the updated test procedures into these procedures.

New subsection 4(a)(4)(B) was added to specify the applicable test procedures for certified engine packages certifying to LEV III SFTP Off-Cycle Emission Standards in title 13, CCR section 2212(c)(4)(B).

Subsection 4(b) was modified by updating the last amended date of the test procedures for determining compliance with the evaporative emission standards in title 13, CCR Section 1976 from December 2, 2009 to March 22, 2012 and by deleting the text “which in turn incorporates by reference and modify 40, CFR, 86.130-78 through 86.143-90 as they existed July 1, 1989,” and by adding text to incorporate by reference the specified evaporative emission test procedures into these procedures.

Subsections 4(c)(1), 4(c)(2), and 4(d) were modified by adding text to incorporate by reference sections of the Code of Federal regulations that had previously been specified in these procedures.

### **C. Delivery of Engines**

Subsection 5(b)(1) has been modified by adding “in that CFR section” into the last sentence to further clarify that the “references to the federal emission standards ” in the last sentence directly refers to references in 40 Code of Federal Regulations (CFR) Section 1051.130, as it existed on November 17, 2011, and to add text to incorporate by reference that section of the Code of Federal regulations into these procedures.

Subsection 5(b)(1)(A) has been modified by adding text to clarify that the maintenance and use instructions provided by certified engine package manufacturers must state that the nozzle access zone and the filler neck area, including the filler neck face, shall be free of sharp projections or edges which could foreseeably damage the bellows and faceplates of fuel vapor recovery nozzles during fueling activity.

Subsection 5(b)(1)(C) has been modified by deleting “an enhanced area” before “Smog Check inspection on the vehicle”, and “Enhanced area is defined in section 3340.1, title 16, CCR” to clarify that the manufacturer-provided instructions should inform installers and owners that a certified engine package must be installed in such a manner to enable the vehicle to undergo Smog Check inspections.

Subsection 5(b)(5) has been modified by adding text to incorporate by reference 40 Code of Federal Regulations (CFR) Section 86.004-38, as it existed on November 17, 2011.

### **D. Emissions Control System Warranty Statement**

Section 10 of the procedures, “California Emission Control Warranty Statement, Your Warranty Rights and Obligations” has been modified to require that the emission control warranty statement provided with each certified engine package state that the improper installation of a certified engine package will allow a manufacturer to not cover the engine under its emission control system warranty.

Section 10 of the procedures, “Manufacturer’s Warranty Coverage” has been modified by substituting “SPCNS with certified engine package” for “emissions control system (enter warranty type: Parts, Performance, etc.)” and by adding “passes the Smog Check inspection” to clarify the scope of the manufacturer’s emission control system warranty.

Section 10 of the procedures, “Owner’s Warranty Responsibilities” has been modified to include improper installation as a condition that would allow a certified engine package manufacturer to deny an emission performance warranty claim.

### **III. Other Minor Changes**

In addition to the modifications described above in sections I and II, staff made other minor, non-substantive modifications throughout the regulatory text and the text of the “California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years” to improve clarity, to correct spelling and grammatical errors, and to delete extra spaces in the text.

### **Supporting Documents and Information Added to the Rulemaking Record**

In accordance with Government Code section 11347.1, staff has added to the rulemaking record the following documents that support the proposed action:

- “California 2001 Through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 Through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as amended March 22, 2012.
- “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as adopted March 22, 2012.
- “California Non-Methane Organic Gas Test Procedures,” as amended March 22, 2012.
- “California Evaporative Emissions Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles”, adopted August 5, 1999, as last amended March 22, 2012.

### **Availability of Attachments and Additional Documents**

By this notice, the modified regulation text and additional documents and information are being made available for public comment prior to the final action by the Board’s Executive Officer. All of the documents referenced above are available online at the following ARB website: <http://www.arb.ca.gov/regact/2011/spcn11/spcn11.htm> These documents are also available at the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1<sup>st</sup> Floor, Sacramento, California 95814. If you would like a hardcopy of this Notice or its Attachments sent to you through postal mail, please call Mr. Michael Baker at (916) 323-2791 and give your name, company name, if any, and mailing address.

### **Written Comments and Subsequent Action**

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt sections 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217,

and 2218, title 13, CCR, and the incorporated "California Certification Procedures for Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles for 2012 and Subsequent Model Years" as modified, after making the modified regulatory language available to the public for a supplemental written comment 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 comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

Written comments on the modifications approved by the Board must be submitted by postal mail or electronic mail, 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>

In order to be considered by the Executive Officer, comments must be directed to the 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 modifications to the text of the regulation made available by the notice shall be considered by the Executive Officer.

Please note that under the California Public Records Act (Gov. 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.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 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 alterno u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 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

*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](http://www.arb.ca.gov)*