

State of California  
AIR RESOURCES BOARD

**Second Notice of Public Availability of Modified Text**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF NEW EMISSION  
STANDARDS, FLEET REQUIREMENTS, AND TEST PROCEDURES FOR  
FORKLIFTS AND OTHER INDUSTRIAL EQUIPMENT

Public Hearing Date:	April 20, 2006
Postponed to:	May 25, 2006
First Public Availability of Modified Text Date:	December 1, 2006
Second Public Availability of Modified Text Date:	February 1, 2007
Deadline for Public Comment:	February 16, 2007

At its public hearing on May 25, 2006, the Air Resources Board (ARB or Board) approved amendments and adoptions to title 13, California Code of Regulations (CCR), and to several documents incorporated by reference therein. The regulations approved for amendment are sections 2430, 2431, 2433, 2434, and 2438. The regulations approved for adoption are sections 2775, 2775.1, 2775.2, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, and 2789.

The approved documents incorporated by reference are: 1) the amendment of incorporated "California Exhaust Emission Standards and Test Procedures for New 2001 and Later Off-Road Large Spark-Ignition Engines," Parts I and II; 2) the adoption of incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 through 2009 Model-Year Off-Road Large Spark-Ignition Engines;" 3) the adoption of incorporated "California Exhaust Emission Standards and Test Procedures for New 2007 and Later Model-Year Off-Road Large Spark-Ignition Engines;" and 4) the adoption of incorporated "California Exhaust and Emission Standards and Test Procedures for New 2010 and Later Model-Year Off-Road Large Spark-Ignition Engines."

The approved regulations are designed to reduce the ozone-forming emissions of hydrocarbons and oxides of nitrogen (HC + NOx) from new and in-use forklifts and other industrial equipment. The regulations meet a commitment made in the 2003 State and Federal Strategy for the State Implementation Plan, approved by the Board on October 23, 2003.

**The Board's Action**

At the hearing, the Board adopted Resolution 06-11, approving the amended and adopted regulations with modifications (Attachment B of the Resolution). In the Resolution, the Board directed the Executive Officer to incorporate the approved modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental comment period. As a result, on December 1, 2006, the first Notice of

Public Availability of Modified Text and Supporting Documents and Information (first 15-day notice) was issued. The public comment period for the first 15-day notice was extended and then ended on January 12, 2007.

### **Modified Text Being Made Available**

Based on the comments that were received in response to the first 15-day notice, additional modifications to the regulatory text are being proposed in a Second Notice of Public Availability of Modified Text (second 15-day notice). The Board's approved modified text, including staff's subsequent modifications, is appended to this notice as Attachment 1. By this notice, the modified text is being made available for public comment prior to the final action by the Board's Executive Officer. All of these documents are available online for public inspection at ARB's Internet website for this rulemaking at <http://www.arb.ca.gov/regact/lore2006/lore2006.htm>. Copies of these documents may be obtained from the Board's Public Information Office by calling (916) 322-2990 or by visiting the 1<sup>st</sup> floor Visitors and Environmental Services Center, 1001 I Street, Sacramento, California 95814. They may also be obtained from Ms. Kathryn Leuterio at (916) 322-1731, or by email at [kleuteri@arb.ca.gov](mailto:kleuteri@arb.ca.gov).

### **Summary of Proposed Modifications**

The following summarizes the proposed substantive modifications and the rationale for making them. The section numbers and paragraphs are referenced as renumbered in the modified text.

#### **Title 13, California Code of Regulations, § 2433 Emission Standards and Test Procedures – Off-Road Large Spark-ignition Engines**

**(b)(1)** To better delineate between mandatory and optional standards, this section is reorganized. Subparagraph (b)(1)(A) still contains the required exhaust emission standards, but (b)(1)(B) now contains the United States Environmental Protection Agency (U.S. EPA) alternative certification formula. The optional exhaust emission standards formerly contained in (b)(1)(B) are now in subparagraph (b)(2). And subparagraph (b)(1)(c) has been added containing a reference to the field testing standards contained in 40 CFR Section 1048.101(c).

Additionally, two corrections and an addition are made to the notes section accompanying the mandatory standards table in subparagraph (b)(1)(A). Both corrections to note (1) clarify that emissions are to be reported to the ARB in units of grams per kilowatt-hour (g/kW-hr). Emissions were previously reported in units of grams per brake horsepower-hour; however, ARB in harmonizing with the U.S. EPA is now using the kilowatt-hour as the measurement unit for power. The addition of note (5) provides the HC+NO<sub>x</sub> and CO standards for model year 2007 and newer severe-duty engines. This information was contained in the incorporated by reference "California Exhaust and Evaporative Emission Standards and Test Procedures for New 2010 and Later Off-Road Large Spark-ignition Engines" (40 CFR, Part 1048), but was inadvertently omitted from this section and from the incorporated by reference "California Exhaust and Evaporative Emission Standards and Test Procedures for New

2007 through 2009 Off-Road Large Spark-ignition Engines” (40 CFR, Part 1048). The original note (5) is renumbered to note (6).

**(b)(2)** The alternative certification formula originally contained in (b)(2) is now contained in (b)(1)(B). New subparagraph (b)(2)(A) contains the optional exhaust emission standards formerly contained in (b)(1)(B). New subparagraph (b)(2)(B) contains the field testing standards accompanying the optional standards in (b)(2)(A), consistent with U.S. EPA’s Blue Sky standards. These field testing standards were part of the Additionally, a note is added to the optional exhaust emissions table in subparagraph (b)(2)(A) clarifying that emissions are to be reported to the ARB in units of grams per kilowatt-hour for the reasons discussed in (b)(1) above.

**(b)(4)(B)** A date is added to the reference in this subparagraph to specify that the applicable evaporative emission specifications for non-metallic fuel lines is contained in the November 1996, and not the November 2004, SAE J2260.

**(b)(4)(D)** References to 40 CFR Sections 1048.105 and 1048.245 are added for manufacturers opting to use design-based certification for the evaporative emission standards.

**Incorporated “California Exhaust and Evaporative Emission Standards and Test Procedures for New 2007 through 2009 Off-Road Large Spark-ignition Engines” (40 CFR, Part 1048)**

The title is changed to remove the reference to “PART 1:” as there is only one part of the “California Exhaust and Evaporative Emission Standards and Test Procedures for New 2007 through 2009 Off-Road Large Spark-ignition Engines.”

**§1048.101 What exhaust emission standards must my engines meet?**

**(a)(2)** A note is added to the exhaust emission standards table clarifying that emissions are to be reported to the ARB in units of grams per kilowatt-hour for the reasons discussed for title 13, CCR, section 2433(b)(1) above. Other requirements are added providing the HC+NOx and CO standards for model year 2007 through 2009 severe-duty engines. Both the note and the severe-duty engine requirements were to have been carried over from the corresponding exhaust emission standards table in the incorporated by reference “California Exhaust and Evaporative Emission Standards and Test Procedures for New 2010 and Later Off-Road Large Spark-ignition Engines,” but were inadvertently omitted.

**§1048.120 What emission-related warranty requirements apply to me?**

A provision is added referencing the State’s warranty requirements. The intent of the additional provision is to clarify that both sets of warranty requirements – title 13, CCR, section 2436 and 40 CFR Section 1048.120 – apply.

**§1048.135 How must I label and identify the engines I produce?**

A provision is added referencing the State’s labeling requirements. The intent of the additional provision is to clarify that both sets of labeling requirements – title 13, CCR, section 2434 and 40 CFR Section 1048.135 – apply.

**§1048.140 What are the provisions for certifying optional lower-emission standard engines?**

Introductory language is corrected so that the requirements being applied to optional lower-emission standard (OLES) engines are those for model year 2007-2009 engines and not model year 2010 engines. The 2010 reference was carried over in error from the corresponding exhaust emission standards table in the incorporated by reference “California Exhaust and Evaporative Emission Standards and Test Procedures for New 2010 and Later Off-Road Large Spark-ignition Engines.”

A note is added to the optional exhaust emission standards table clarifying that emissions are to be reported to the ARB in units of grams per kilowatt-hour for the reasons discussed earlier for title 13, CCR, section 2433(b)(1).

**Incorporated “California Exhaust and Evaporative Emission Standards and Test Procedures for New 2010 and Later Off-Road Large Spark-ignition Engines”**

**§1048.101 What exhaust emission standards must my engines meet?**

**(a)(2)** The first note accompanying the exhaust emission standards table is modified to reflect that emissions are to be reported to the ARB in units of grams per kilowatt-hour for the reasons discussed in title 13, CCR, section 2433(b)(1) earlier. The language providing the HC+NO<sub>x</sub> and CO standards for model year 2010 and later severe-duty engines is modified to reflect the correct federal HC+NO<sub>x</sub> standard for these engines.

**§1048.120 What emission-related warranty requirements apply to me?**

A provision is added referencing the State’s warranty requirements. The intent of the additional provision is to clarify that both sets of warranty requirements – title 13, CCR, section 2436 and 40 CFR Section 1048.120 – apply.

**§1048.135 How must I label and identify the engines I produce?**

A provision is added referencing the State’s labeling requirements. The intent of the additional provision is to clarify that both sets of labeling requirements – title 13, CCR, section 2434 and 40 CFR Section 1048.135 – apply.

**§1048.140 What are the provisions for certifying optional lower-emission standard engines?**

A correction is made to the section title of the section being deleted and replaced to clarify that it is Blue Sky Series engine standards that are being replaced and not optional lower-emission engine standards.

A note is added to the optional exhaust emission standards table requiring emissions to be reported to the ARB in units of grams per kilowatt-hour for the reasons discussed for title 13, CCR, section 2433(b)(1).

## **Title 13, California Code of Regulations, § 2775(d) Definitions**

### **“Agricultural Crop Preparation Services”**

Language excluding manufacturing activities such as the freeze drying of fruits and vegetables, the slicing and dicing of garlic or onions, the flaking of potato products, and the making of bouillon, noodle mixes, rice mixes, soup mixes, sauce mixes, and salad dressing mixes is removed from the definition. This language was included in the first Notice of Availability of Modified Text to provide examples of the types of dried and dehydrated food manufacturing activities that were not considered to be part of the “dehydrators” definition and thus not part of the “agricultural crop preparation services” definition. Stakeholders expressed a concern that excluding certain activities implied that other related activities might be included. Since the existing “dehydrators” definition already stipulates those dried and dehydrated food manufacturing activities that are “included,” staff concurs that there is no need to exemplify excluded activities.

### **“Airport Ground Support Equipment”**

Language is added to the definition to clarify that categories of GSE designed for on-road use, but dedicated to GSE operations and not licensed for on-road use may be included in the fleet average calculations. The clarification ensures that on-road equivalent GSE may not contain a license plate from any state, not just California.

### **“Leased forklift”**

A definition is added that clarifies the term as applied to forklifts used in agricultural crop preparation services in title 13, CCR, section 2775.1(c)(3).

### **“Rental forklift”**

A definition is added that clarifies the term as applied to forklifts used in agricultural crop preparation services in title 13, CCR, section 2775.1(c)(3).

### **“South Coast Air Basin Airports”**

This definition has been removed as it only applied to sections that were removed in the first Notice of Availability of Modified Text (sections 2775.1(b), (b)(1), and (b)(2)).

## **Title 13, California Code of Regulations, § 2775.1. Standards**

**(c), (c)(1), and (c)(2)** The word “owned” is removed from section (c) and placed into sections (c)(1) and (c)(2) to clarify that section (c) provides requirements not only for owned forklifts, but requirements for rental and leased forklifts as well.

## **Title 13, California Code of Regulations, § 2775.2. Compliance Requirements for Fleet Operators**

**(a) and (b)** Provisions are further modified in these sections to clarify that only medium and large facilities and those with a non-forklift fleet (four or more pieces of equipment by definition) are required to conduct a baseline inventory and keep records.

## **Comments and Subsequent Action**

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to amend sections 2430, 2433, and 2434, and adopt sections 2775, 2775.1, 2775.2, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, and 2789, title 13, CCR, and the amendments and adoptions of documents incorporated therein, 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 she determines that this is warranted.

Written comments on the second 15-day notice modifications may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal Mail is to be sent to:

Clerk of the Board  
Air Resources Board  
1001 "I" Street, 23<sup>rd</sup> Floor  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submissions are to be transmitted to: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the 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 above-described modifications to the text of the regulations will be considered by the Executive Officer.

Attachment