

FINAL REGULATION ORDER, PART 2 (continued)

Adopt the incorporated “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),” to read:

**State of California
AIR RESOURCES BOARD**

**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)

Adopted: March 2, 2007

NOTE: This document incorporates by reference 40 Code of Federal Regulations (CFR) Part 1065 – Engine-Testing Procedures, Subparts A, B, C, D, E, F, G, H, I, J, and K, as amended July 13, 2005, 40 CFR Part 1068, Subparts A, B, C, D, E, F, and G, including Appendix A to Subpart E and Appendix I and II to part 1068, as amended July 13, 2005, and the internally referenced subparts of 40 CFR Part 85, 40 CFR Part 86, and 40 CFR Part 1048. Sections that have been included in their entirety are set forth with the section number and title. California provisions that replace specific federal language provisions are denoted by the words “DELETE” for the federal language and “REPLACE WITH” or “ADD” for the California language. The symbols “* * * * *” and “...” mean that the remainder of the CFR text for a specific section is not shown in these procedures but has been incorporated by reference, with only the printed text changed. CFR sections that are not listed are not part of the test procedures. If there is any conflict between the provisions of this document and the California Health and Safety Code, Division 26, or Title 13 of the California Code of Regulations (CCR), the Health and Safety Code and Title 13 apply.

This document is all newly adopted text.

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CALIFORNIA EXHAUST AND EVAPORATIVE EMISSION STANDARDS AND TEST PROCEDURES FOR NEW 2007 AND LATER OFF-ROAD LARGE SPARK-IGNITION ENGINES

The following provisions of Part 1065, and Part 1068, Title 40, Code of Federal Regulations, as proposed by the United States Environmental Protection Agency on the date listed, are adopted and incorporated herein by this reference for 2007 model year and later off-road large spark-ignition engines as the California Exhaust Emission Standards and Test Procedures for New 2007 and Later Off-Road Large Spark-Ignition Engines, except as altered or replaced by the provisions set forth below.

PART 1065 – ENGINE-TESTING PROCEDURES

SOURCE: 70 FR 40516, July 13, 2005, unless otherwise noted.

Subpart A – Applicability and General Provisions

§ 1065.1 Applicability.

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(a)(3) DELETE,
REPLACE WITH:

Off-road large spark-ignition engines regulated under Title 13, CCR, Chapter 9, Article 4.5, and subject to the emission standards in § 2433(b)(1) of that Article.

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(g) DELETE.

§ 1065.2 Submitting information to ARB under this part.

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§ 1065.5 Overview of this part 1065 and its relationship to the standard-setting part.

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§ 1065.10 Other procedures.

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§ 1065.12 Approval of alternate procedures.

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§ 1065.15 Overview of procedures for laboratory and field testing.

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§ 1065.20 Units of measure and overview of calculations.

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§ 1065.25 Recordkeeping.

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Subpart B – Equipment Specifications

§ 1065.101 Overview.

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§ 1065.110 Work inputs and outputs, accessory work, and operator demand.

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§ 1065.120 Fuel properties and fuel temperature and pressure.

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§ 1065.122 Engine cooling and lubrication.

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§ 1065.125 Engine intake air.

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§ 1065.127 Exhaust gas recirculation.

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§ 1065.130 Engine exhaust.

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§ 1065.140 Dilution for gaseous and PM constituents.

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§ 1065.145 Gaseous and PM probes, transfer lines, and sampling system components.

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§ 1065.150 Continuous sampling.

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§ 1065.170 Batch sampling for gaseous and PM constituents.

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§ 1065.190 PM-stabilization and weighing environments for gravimetric analysis.

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§ 1065.195 PM-stabilization environment for in-situ analyzers.

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Subpart C – Measurement Instruments

§ 1065.201 Overview and general provisions.

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§ 1065.202 Data updating, recording, and control.

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§ 1065.205 Performance specifications for measurement instruments.

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Measurement of Engine Parameters and Ambient Conditions

§ 1065.210 Work input and output sensors.

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§ 1065.215 Pressure transducers, temperature sensors, and dewpoint sensors.

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Flow-Related Measurements

§ 1065.220 Fuel flow meter.

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§ 1065.225 Intake-air flow meter.

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§ 1065.230 Raw exhaust flow meter.

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§ 1065.240 Dilution air and diluted exhaust flow meters.

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§ 1065.245 Sample flow meter for batch sampling.

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§ 1065.248 Gas divider.

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CO and CO₂ Measurements

§ 1065.250 Nondispersive infra-red analyzer.

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Hydrocarbon Measurements

§ 1065.260 Flame-ionization detector.

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§ 1065.265 Nonmethane cutter.

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§ 1065.267 Gas chromatograph.

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NO_x Measurements

§ 1065.270 Chemiluminescent detector.

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§ 1065.272 Nondispersive ultraviolet analyzer.

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O₂ Measurements

§ 1065.280 Paramagnetic and magnetopneumatic O₂ detection analyzers.

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Air-to-Fuel Ratio Measurements

§ 1065.284 Zirconia (ZrO₂) analyzer.

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PM Measurements

§ 1065.290 PM gravimetric balance.

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§ 1065.295 PM inertial balance for field testing analysis.

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Subpart D –Calibrations and Verifications

§ 1065.301 Overview and general provisions.

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§ 1065.303 Summary of required calibration and verifications.

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§ 1065.305 Verifications for accuracy, repeatability, and noise.

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§ 1065.307 Linearity verification.

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§ 1065.308 Continuous gas analyzer system-response and updating-recording verification.

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§ 1065.309 Continuous gas analyzer uniform response verification.

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Measurement of Engine Parameters and Ambient Conditions

§ 1065.310 Torque calibration.

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§ 1065.315 Pressure, temperature, and dewpoint calibration.

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Flow-Related Measurements

§ 1065.320 Fuel-flow calibration.

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§ 1065.325 Intake-flow calibration.

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§ 1065.330 Exhaust-flow calibration.

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§ 1065.340 Diluted exhaust flow (CVS) calibration.

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§ 1065.341 CVS and batch sampler verification (propane check).

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§ 1065.345 Vacuum-side leak verification.

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CO and CO₂ Measurements

§ 1065.350 H₂O interference verification for CO₂ NDIR analyzers.

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§ 1065.355 H₂O and CO₂ interference verification for CO NDIR analyzers.

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Hydrocarbon Measurements

§ 1065.360 FID optimization and verification.

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§ 1065.362 Non-stoichiometric raw exhaust FID O₂ interference verification.

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§ 1065.365 Nonmethane cutter penetration fractions.

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NO_x Measurements

§ 1065.370 CLD CO₂ and H₂O quench verification.

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§ 1065.372 NDUV analyzer HC and H₂O interference verification.

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§ 1065.376 Chiller NO₂ penetration.

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§ 1065.378 NO₂-to-NO converter conversion verification.

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PM Measurements

§ 1065.390 PM balance verifications and weighing process verification.

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§ 1065.395 Inertial PM balance verifications.

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Subpart E – Engine Selection, Preparation, and Maintenance

§ 1065.401 Test engine selection.

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ADD:

(c) Emission-data engines.

(1) Engines will be chosen to be run for emission data based upon engine family groups. Within each engine family group, the requirements of this paragraph must be met.

(2) Engines of each engine family group will be divided into groups based upon their exhaust emission control systems. One engine of each system combination shall be

run for gaseous emission data. The complete gaseous emission test must be conducted. Within each combination, the engine that features the highest horsepower, primarily at or near the rated speed, will usually be selected. The engine manufacturer may elect to test the worst-case emissions engine within each combination with prior approval from the Executive Officer. The engine with the highest horsepower will usually be selected. For engine families that contain multiple fuel systems, the engine manufacturer shall conduct separate individual gaseous emission test based on the worst-case emissions configuration for each different fuel system within the engine family's engine configuration.

(3) The Executive Officer may select a maximum of one additional engine within each engine-system combination based upon features indicating that it may have the highest emission levels of the engines of that combination. In selecting this engine, the Executive Officer will consider such features as the injection system, fuel system, engine control system, rated speed, rated horsepower, peak torque speed, and peak torque.

(4) Within an engine family control system combination, the manufacturer may alter any emission-data engine (or other engine including current or previous model year emission-data engines and development engines provided they meet the emission-data engines' protocol) to represent more than one selection under paragraph (c)(2) and (3) of this section.

(d) In lieu of testing an emission-data engine selected under paragraph (c) of this section, and submitting data therefore, a manufacturer may, with the prior written approval of the Executive Officer, submit exhaust emission data as applicable on a similar engine, for which certification has previously been obtained or for which all applicable data required under certification application has previously been submitted.

(e) Durability-data Engine

(1) The engine manufacturer shall select the engine configuration that best represents the entire engine family or groups of engine families to demonstrate engine and emission durability. The duration of the engine durability demonstration for the purpose of generating deterioration factors for the emission calculation shall be equivalent to the emissions durability period as defined in these Test Procedures.

§ 1065.405 Test engine preparation and maintenance.

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§ 1065.410 Maintenance limits for stabilized test engines.

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§ 1065.415 Durability demonstration.

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ADD:

(c) (1) The engine manufacturer shall use good engineering practice to determine engine and emission durability.

(2) The engine manufacturer shall provide the Executive Officer with a written plan of the method used to determine engine and emission durability. The Executive Officer shall approve the plan if it demonstrates, according to good engineering judgement, the development of reasonable deterioration factors. The engine manufacturer shall not proceed with testing until the Executive Officer has approved the plan.

(3) In the absence of a manufacturer's specific service accumulation cycle, engine durability demonstration shall be conducted using multiple runs of the applicable duty cycles described in Sections 1048.505 and 1048.510 of Part 1048. The engine manufacturer may request, with the advanced approval of the Executive Officer, to reduce the total amount of service accumulation hours for any durability / service accumulation engine. The engine manufacturer may make such request only after an engine has accumulated at a minimum one half of the engine's defined useful life period. The Executive Officer shall base such approval on engine's durableness, maintenance events, emission test results, and the stability of engine out emissions.

(d) Regardless of which service accumulation cycle is used for generating the deterioration factors for emissions certification, the Executive Officer shall accept the manufacturer's deterioration factors for certification the first year; but, may deny the use of the manufacturer's deterioration factors for subsequent certification based on incorrect or inaccurate representativeness of actual in-use emissions test results.

Subpart F –Performing an Emission Test in the Laboratory

§ 1065.501 Overview.

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§ 1065.510 Engine mapping.

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§ 1065.512 Duty cycle generation.

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§ 1065.514 Cycle-validation criteria.

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§ 1065.520 Pre-test verification procedures and pre-test data collection.

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§ 1065.525 Engine starting, restarting, and shutdown.

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§ 1065.530 Emission test sequence.

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§ 1065.545 Validation of proportional flow control for batch sampling.

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§ 1065.550 Gas analyzer range validation, drift validation, and drift correction.

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§ 1065.590 PM sample preconditioning and tare weighing.

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§ 1065.595 PM sample post-conditioning and total weighing.

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Subpart G –Calculations and Data Requirements

§ 1065.601 Overview.

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§ 1065.602 Statistics.

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§ 1065.610 Duty cycle generation.

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§ 1065.630 1980 international gravity formula.

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§ 1065.640 Flow meter calibration calculations.

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§ 1065.642 SSV, CFV, and PDP molar flow rate calculations.

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§ 1065.645 Amount of water in an ideal gas.

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§ 1065.650 Emission calculations.

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§ 1065.655 Chemical balances of fuel, intake air, and exhaust.

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§ 1065.659 Removed water correction.

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§ 1065.660 THC and NMHC determination.

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§ 1065.665 THCE and NMHCE determination.

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§ 1065.667 Dilution air background emission correction.

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§ 1065.670 NO_x intake-air humidity and temperature corrections.

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§ 1065.672 Drift correction.

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§ 1065.675 CLD quench verification calculations.

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§ 1065.690 Buoyancy correction for PM sample media.

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§ 1065.695 Data requirements.

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Subpart H –Engine Fluids, Test Fuels, Analytical Gases and Other Calibration Standards

§ 1065.701 General requirements for test fuels.

(a) DELETE,
REPLACE WITH:

(a) (1) If the engine is a gasoline-fueled large spark-ignition engine, then the test fuel used shall be consistent with the fuel specifications as outlined in the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as adopted August 5, 1999, and last amended August 4, 2005, and incorporated by reference herein. The California fuel specifications are contained in the California Code of Regulations, Title 13, Chapter 5, Article 1, Sections 2260-2272. If the engine is tested using the U.S. EPA test fuel, consistent with the fuel specifications as outlined in Title 40 Code of Federal Register, Part 1065, subpart H, the manufacturer shall demonstrate that the emission test results complies with these Test Procedures.

(2) If the engine is not a gasoline-fueled large spark-ignition engine, then the test fuel used shall be consistent with the fuel specifications as outlined in the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium- Duty Vehicles,” as adopted August 5, 1999, and last amended August 4, 2005, and incorporated by reference herein. The California fuel specifications are contained in the California Code of Regulations, Title 13, Chapter 5, Article 3, Sections 2290-2293.5. If the engine is tested using the U.S. EPA test fuel, consistent with the fuel specifications as outlined in Title 40 Code of Federal Register, Part 1065, subpart H, the manufacturer shall demonstrate that the emission test results complies with these Test Procedures.

(b) DELETE,
REPLACE WITH:

With Executive Officer approval, the certifying entity may use other test fuels so long as

they do not affect the demonstration of compliance.

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§ 1065.703 Distillate diesel fuel.

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§ 1065.705 Residual fuel [Reserved].

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§ 1065.710 Gasoline.

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§ 1065.715 Natural gas.

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§ 1065.720 Liquefied petroleum gas.

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§ 1065.740 Lubricants.

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ADD:

(c) During all engine tests, the engine shall employ a lubricating oil consistent with the engine manufacturer's specifications for that particular engine. These specifications shall be recorded and declared in the certification application.

§ 1065.745 Coolants.

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§ 1065.750 Analytical gases.

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§ 1065.790 Mass standards.

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Subpart I – Testing with Oxygenated Fuels

§ 1065.801 Applicability.

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§ 1065.805 Sampling system.

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§ 1065.845 Response factor determination.

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§ 1065.850 Calculations.

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Subpart J – Field Testing and Portable Emission Measurement Systems

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Subpart K – Definitions and Other Reference Information

§ 1065.1001 Definitions.

ADD:

The definitions in 40 CFR 1048.801 and 1068.30, as modified, apply with the following revisions.

ADD:

40 CFR part 1048 means Part 1048 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

ADD:

40 CFR part 1065 means Part 1065 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

40 CFR part 1068 means Part 1068 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

* * * * *

Act DELETE.

* * * * *

ADD:

Certificate of Conformity means an Executive Order issued in accordance with the California Health and Safety Code, Division 26, Part 5.

Certification DELETE,

REPLACE WITH:

Certification means, with respect to new off-road large spark-ignition engines, obtaining an executive order for an engine family complying with the off-road spark-ignition engine emission standards and requirements specified in the California Code of Regulations, Title 13, Chapter 9, Sections 2430-2439.

* * * * *

ADD:

Clean Air Act or the *Act* means California Health and Safety Code, Division 26, and corresponding regulations, except where the context indicates otherwise.

* * * * *

Designated Compliance Officer DELETE,

REPLACE WITH:

Designated Compliance Officer means the Executive Officer of the Air Resources Board, or a designee of the Executive Officer.

* * * * *

ADD:

EPA means Air Resources Board.

ADD:

Executive Order means an order issued by the Executive Officer of the Air Resources Board certifying engines for sale in California.

* * * * *

Nonroad engine DELETE,

REPLACE WITH:

Nonroad engine means an off-road engine as defined in this section.

* * * * *

ADD:

Off-road engine means:

(1) Except as discussed in paragraph (2) of this definition, any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes, and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not an off-road engine if:

(i) The engine is used to propel a vehicle subject to the emissions standards contained in Title 13, California Code of Regulations, Sections 1950-1978, or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act (42 U.S.C); or

(ii) The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the 1990 Clean Air Act (42 U.S.C. 7511); or

(iii) The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

* * * * *

We (us, our) DELETE,
REPLACE WITH:

We (us, our) means the Executive Officer of the Air Resources Board or a designee of the Executive Officer.

* * * * *

§ 1065.1005 Symbols, abbreviations, acronyms, and units of measure.

* * * * *

§ 1065.1010 Reference materials.

* * * * *

PART 1068 – GENERAL COMPLIANCE PROVISIONS FOR NONROAD PROGRAMS

SOURCE: 67 FR 68427, November 8, 2002, amended in 70 FR 40420, July 13, 2005, unless otherwise noted.

Subpart A – Applicability and Miscellaneous Provisions

§ 1068.1 Does this part apply to me?

* * * * *

(a)(1) DELETE,
REPLACE WITH:

Off-road large spark-ignition engines regulated under Title 13, California Code of Regulations, Chapter 9, Article 4.5, and subject to the emission standards in § 2433(b)(1) of that Article.

* * * * *

§ 1068.5 How must manufacturers apply good engineering judgment?

* * * * *

§ 1068.10 What provisions apply to confidential information?

DELETE,
REPLACE WITH:

Any manufacturer may assert that some or all of the information submitted pursuant to Title 13, California Code of Regulations, Chapter 9, Article 4.5 (Off-Road Large Spark-Ignition Engines) is entitled to confidential treatment as provided by Title 17, CCR, §§ 91000-91022.

§ 1068.15 Who is authorized to represent the Air Resources Board?

* * * * *

§ 1068.20 May ARB enter my facilities for inspections?

DELETE,
REPLACE WITH:

(a) Any engine manufacturer affected by these regulations, upon receipt of prior notice must admit or cause to be admitted during operating hours any ARB Enforcement Officer that has presented proper credentials to any of the following:

(1) Any facility where tests or procedures or activities connected with such tests or procedures are or were performed.

(2) Any facility where any new off-road large spark-ignition engine is present and is being, has been, or will be tested.

(3) Any facility where a manufacturer constructs, assembles, modifies, or builds-up an engine into a certification engine that will be tested for certification.

(4) Any facility where any record or other document relating to any of the above is located.

(b) Upon admission to any facility referred to in paragraph (c)(1) of this Section, any ARB Enforcement Officer must be allowed:

(1) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring engine preconditioning, emissions tests and break-in, maintenance, and engine storage procedures.

(2) To verify correlation or calibration of test equipment; and,

(3) To inspect and make copies of any such records, designs, or other documents; and,

(4) To inspect and/or photograph any part or aspect of any such certification engine and any components to be used in the construction thereof.

(c) To permit an ARB determination whether production off-road large spark-ignition engines conform in all material respects to the design specifications that apply to those engines described in the Executive Order certifying such engines and to standards prescribed herein. Engine manufacturers must, upon receipt of prior notice, admit any ARB Enforcement Officer, upon presentation of credentials, to:

(1) Any facility where any document design, or procedure relating to the translation of the design and construction of engines and emission related components described in the application for certification or used for certification testing into production engines is located or carried on; and,

(2) Any facility where any off-road large spark-ignition engines to be introduced into commerce are manufactured or assembled.

(3) Any California retail outlet where any off-road large spark-ignition engine is sold.

(d) On admission to any such facility referred to in this Section, any ARB Enforcement Officer must be allowed:

(1) To inspect and monitor any aspects of such manufacture or assembly and other procedures;

(2) To inspect and make copies of any such records, documents or designs; and,

(3) To inspect and photograph any part or aspect of any such new off-road large spark-ignition engines and any component used in the assembly thereof that are reasonably related to the purpose of the Enforcement Officer's entry.

(e) Any ARB Enforcement Officer must be furnished by those in charge of a facility being inspected with such reasonable assistance as may be necessary to discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to the ARB irrespective of whether or not the applicant controls the facility.

(f) The duty to admit or cause to be admitted any ARB Enforcement Officer applies whether or not the applicant owns or controls the facility in question and applies both to domestic and foreign engine manufacturers and facilities. The ARB will not attempt to make any inspections that it has been informed that local law forbids. However, if local law makes it impossible to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable or is covered by an Executive Order can properly be based on the data. It is the responsibility of the engine manufacturer to locate its testing and manufacturing facilities in jurisdictions where this situation will not arise.

(g) For purposes of this Section:

(1) "Presentation of credentials" means a display of a document designating a person to be an ARB Enforcement Officer.

(2) Where engine, component, or engine storage areas or facilities are concerned, "operating hours" means all times during which personnel are at work in the vicinity of the area or facility and have access to it.

(3) Where facilities or areas other than those covered by paragraph (g)(2) of this Section are concerned, "operating hours" means all times during which an assembly line is in operation or during which testing, maintenance, break-in procedure, production or compilation of records, or any other procedure or activity is being conducted related to certification testing, translation of designs from the test stage to the production stage, or engine manufacture or assembly.

(4) "Reasonable assistance" includes, but is not limited to, providing clerical, copying, interpretation and translation services; making personnel available upon request to inform the ARB Enforcement Officer of how the facility operates and to answer questions; and performing requested emissions tests on any engine that is being, has been, or will be used for certification testing. Such tests must be nondestructive, but may require appropriate break-in. The engine manufacturer must be compelled to cause the personal appearance of any employee at such a facility before an ARB Enforcement Officer, upon written request from the Executive Officer for the appearance of any employee of a facility, and service of such request upon the engine manufacturer. Any such employee who has been instructed by the engine manufacturer to appear will be entitled to be accompanied, represented, and advised by counsel.

§ 1068.25 What information must I give to ARB?

* * * * *

(b) DELETE,
REPLACE WITH:

Manufacturers subject to the requirements of this part must establish and maintain records, perform tests, make reports and provide additional information that the Executive Officer may reasonably require under the California Health and Safety Code, Division 26, and corresponding regulations. This also applies to engines that are exempt from emission standards.

ADD:

(c) (1) Upon request of the Executive Officer, the manufacturer of any off-road large spark-ignition engine covered by an Executive Order shall, within 30 days, identify by engine identification number or alternative tracking method, the engine(s) covered by the Executive Order.

(2) The manufacturer of any off-road large spark-ignition engine covered by an Executive Order shall provide to the Executive Officer, within 60 days of the issuance of an Executive Order, an explanation of the elements in any engine identification coding system in sufficient detail to enable the Executive Officer to identify those engines that are covered by an Executive Order.

(d) Any off-road LSI engine manufacturer obtaining certification under this part shall notify the E.O., on a yearly basis, of the number of engines of such engine family-engine displacement-exhaust emission control system-fuel system combination produced for sale in California during the preceding year.

§ 1068.27 May ARB conduct testing with my production engines?

* * * * *

§ 1068.30 What definitions apply to this part?

ADD:

The definitions in 40 CFR 1048.801 and 1065.1001, as modified, apply with the following revisions:

ADD:

40 CFR part 1048 means Part 1048 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

ADD:

40 CFR part 1065 means Part 1065 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

ADD:

40 CFR part 1068 means Part 1068 and applicable subparts contained in these 2007 and Later Test procedures when referenced in unrevised sections.

* * * * *

Act DELETE.

ADD:

Administrator means the Executive Officer of the Air Resources Board, or a designee of the Executive Officer.

* * * * *

Certificate holder DELETE,
REPLACE WITH:

Certificate holder means a manufacturer (including importers) with a valid Executive Order for at least one engine family in a given model year.

ADD:

Clean Air Act or the *Act* means California Health and Safety Code, Division 26, and corresponding regulations, except where the context indicates otherwise.

Designated Officer DELETE,
REPLACE WITH:

Designated Compliance Officer means the Executive Officer of the Air Resources Board, or a designee of the Executive Officer.

* * * * *

Nonroad engine DELETE,
REPLACE WITH:

Nonroad engine means an off-road engine as defined in this section.

ADD:

Off-road engine means:

(1) Except as discussed in paragraph (2) of this definition, any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes, and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable,

meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not an off-road engine if:

(i) The engine is used to propel a vehicle subject to the emissions standards contained in Title 13, California Code of Regulations, Sections 1950-1978, or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act (42 U.S.C; or

(ii) The engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the 1990 Clean Air Act (42 U.S.C. 7511); or

(iii) The engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

* * * * *

Standard-setting part DELETE,
REPLACE WITH:

Standard-setting part means the articles of the California Code of Regulations that define emission standards for a particular engine.

* * * * *

We (us, our) DELETE,
REPLACE WITH:

We (us, our) means the Executive Officer of the Air Resources Board or a designee of the Executive Officer.

* * * * *

§ 1068.35 What symbols, acronyms, and abbreviations does this part use?

* * * * *

Subpart B – Prohibited Actions and Related Requirements

§ 1068.101 What general actions does this regulation prohibit?

* * * * *

(a) DELETE,
REPLACE WITH:

The following prohibitions and requirements apply to manufacturers of new engines and manufacturers of equipment containing these engines, except as described in subparts C and D of this part:

(1) *Introduction into commerce.* New engines and equipment may not be sold, offered for sale, or introduced or delivered into commerce in California or imported into California unless it has a valid Executive Order for its model year and the required label or tag. The actions listed in the previous sentence may not be taken with respect to any equipment containing an engine subject to this part's provisions, unless the engine has a valid and appropriate Executive Order and the required engine label or tag. For purposes of this paragraph (a)(1), an appropriate Executive Order is one that applies for the same model year as the model year of the equipment (except as allowed by § 1068.105(a)), covers the appropriate category of engines, and conforms to all requirements specified for the equipment in the standard-setting part. The requirements of this paragraph (a)(1) also cover new engines that are produced solely to replace an older engine in a piece of equipment, unless the engine qualifies for the replacement-engine exemption in § 1068.240. Civil penalties may be assessed for each engine in violation under the requirements of the California Health and Safety Code, Division 26, and corresponding regulations.

(2) *Reporting and recordkeeping.* Manufacturers are required to record certain types of information to show that their engines are meeting California's standards.

Manufacturers must comply with these requirements to make and maintain required records (including those described in § 1068.501), and may not deny ARB access to these records or the ability to copy these records for which ARB has the authority to examine upon request. The required reports and information must be provided to the ARB upon request without delay. Failure to comply with the requirements of this paragraph is prohibited. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder.

(3) *Testing and access to facilities.* Manufacturers may not prevent ARB or its delegated agents from entering the manufacturer's facility to inspect and/or perform authorized testing. Manufacturers must perform the tests we require (or have the tests performed by an outside source). Failure to perform this testing is prohibited. Civil penalties may be assessed for each engine in violation under the requirements of the California Health and Safety Code, Division 26, and corresponding regulations.

(b) DELETE,

REPLACE WITH:

The following prohibitions apply to all entities with respect to the engines to which this part applies:

(1) *Tampering.* No one may remove or disable a device or element of design that may affect an engine's emission levels. This restriction applies before and after the engine is placed in service. Section 1068.120 describes how this applies to rebuilding engines. A person or a manufacturer or dealer who violates this part is subject to a civil penalty as specified in the California Health and Safety Code, Division 26, and corresponding regulations. This prohibition does not apply in any of the following situations:

(i) You need to repair an engine and you restore it to proper functioning when the repair is complete.

(ii) You need to modify an engine to respond to a temporary emergency and you restore it to proper functioning as soon as possible.

(iii) You modify a new engine that another manufacturer has already certified to meet emission standards and recertify it under your own engine family. In this case you must tell the original manufacturer not to include the modified engines in the original engine family.

(2) *Defeat devices.* A manufacturer may not knowingly manufacture, sell, offer to sell, or install, an engine part if it bypasses, impairs, defeats, or disables the engine's control the emissions of any pollutant. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder.

(3) *Stationary engines.* An engine that is excluded from any requirements of this chapter because it is a stationary engine may not be moved or installed in any mobile equipment except as allowed by the provisions of this chapter. The residence time requirements of paragraph (2)(iii) of the nonroad engine definition in § 1068.30 may not be intentionally circumvented. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder for each day you are in violation.

(4) *Competition engines.* An uncertified engine or piece of equipment that is excluded or exempted from any requirements of this chapter because it is to be used solely for competition may not be used in a manner that is inconsistent with use solely for competition. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder.

(5) *Importation.* An uncertified engine or piece of equipment may not be imported if it is defined to be new in the standard-setting part and it is built after emission standards start to apply in California. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder. Note the following:

(i) The definition of new is broad for imported engines; uncertified engines and equipment (including used engines and equipment) are generally considered to be new when imported.

(ii) Engines that were originally manufactured before applicable ARB standards became effective are generally not subject to emission standards.

(6) *Warranty*. Manufacturers must honor the emission-related warranty requirements under § 1068.115 and fulfill any applicable responsibilities to recall engines under § 1068.505. Failure to meet these obligations is prohibited. A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder.

* * * * *

(e) DELETE,
REPLACE WITH:

Maximum penalty limits may be adjusted based on the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations.

ADD:

(f) Under § 43017 of the California Health and Safety Code, the Air Resources Board may enjoin any violation of any provision of Subpart B of this part 1068.

§ 1068.105 What other provisions apply to me specifically if I manufacture equipment needing certified engines?

* * * * *

(d) DELETE,
REPLACE WITH:

Producing off-road equipment certified to highway emission standards. A manufacturer may produce off-road equipment from complete or incomplete motor vehicles with the motor vehicle engine under the following conditions:

- (1) The engine or vehicle is certified to California on-road requirements.
- (2) The engine is not adjusted outside the manufacturer's specifications.
- (3) The engine or vehicle is not modified in any way that may affect its emission control. This applies to evaporative emission controls, but not refueling emission controls.
- (4) Additional restrictions may be imposed by the Executive Officer as determined necessary to ensure emission performance equity.

§ 1068.110 What other provisions apply to engines in service?

* * * * *

(b) DELETE,
REPLACE WITH:

Certifying aftermarket parts. The manufacturer or rebuilder of an aftermarket engine part shall be required to certify according to the requirements of Title 13, CCR, Chapter 4, Article 2. The aftermarket part rebuilder or manufacturer must keep all records showing how the part affects emissions, and shall provide this information to the Executive Officer within 30 calendar days upon request.

* * * * *

§ 1068.115 When must manufacturers honor emission-related warranty claims?

Introductory text DELETE,
REPLACE WITH:

Title 13, CCR, Chapter 9, Article 4.5, § 2435, requires certifying manufacturers of off-road spark-ignition engines to warrant to purchasers that their engines are designed, built, and equipped to conform at the time of sale to the applicable regulations for their full useful life, including a warranty that the engines are free from defects in materials and workmanship that would cause an engine to fail to conform to the applicable regulations during the specified warranty period. This section codifies the warranty requirements without intending to limit them.

* * * * *

§ 1068.120 What requirements must I follow to rebuild engines?

* * * * *

§ 1068.125 What happens if I violate the regulations?

DELETE,
REPLACE WITH:

A violation of the requirements of this subpart is a violation of the applicable provisions of the California Health and Safety Code, Division 26, and corresponding regulations, and is subject to the penalty provisions thereunder.

Subpart C – Exemptions and Exclusions

§ 1068.201 Does ARB exempt or exclude any engines from the prohibited acts?

* * * * *

§ 1068.210 What are the provisions for exempting test engines?

* * * * *

§ 1068.215 What are the provisions for exempting manufacturer-owned engines?

* * * * *

(b) DELETE,
REPLACE WITH:

By provision of the California Health and Safety Code, Division 24, Part 5, Chapter 1, § 43014, a manufacturer may request the Executive Officer to issue an experimental permit for a nonconforming engine under the ownership and control of the manufacturer for the purposes of developing products, assessing production methods, or promoting engines in the marketplace. The engine shall not be loaned, leased, or sold to generate revenue, either by itself or in a piece of equipment.

* * * * *

(c)(3)(iv) DELETE,
REPLACE WITH:

The statement "THIS ENGINE IS COVERED BY AN EXPERIMENTAL PERMIT AND IS EXEMPT FROM MEETING CALIFORNIA EMISSION REQUIREMENTS." The referencing of similar federal requirements in combination with California references under this provision is permitted.

§ 1068.220 What are the provisions for exempting display engines?

* * * * *

§ 1068.225 What are the provisions for exempting engines for national security?

* * * * *

§ 1068.230 What are the provisions for exempting engines for export?

* * * * *

§ 1068.235 What are the provisions for exempting engines used solely for competition?

* * * * *

§ 1068.240 What are the provisions for exempting new replacement engines?

DELETE,
REPLACE WITH:

Off-road large spark-ignition engines subject to provisions of Subpart C are subject to replacement engines regulations specified in Title 13, California Code of Regulations, Chapter 9, Articles 4.5, Section 2433(e).

§ 1068.245 What temporary provisions address hardship due to unusual circumstances?

* * * * *

§ 1068.250 What are the provisions for extending compliance deadlines for small-volume manufacturers under hardship?

* * * * *

§ 1068.255 What are the provisions for exempting engines for hardship for equipment manufacturers and secondary engine manufacturers?

* * * * *

(b)(4)(i) DELETE,
REPLACE WITH:

If the engine does not meet any emission standards: "THIS ENGINE IS EXEMPT UNDER 13 CCR 2433(e) FROM EMISSION STANDARDS AND RELATED REQUIREMENTS." The referencing of similar federal requirements in combination with California references under this provision is permitted.

* * * * *

§ 1068.260 What are the provisions for temporarily exempting engines for delegated final assembly?

* * * * *

§ 1068.265 What provisions apply to engines that are conditionally exempted from certification?

* * * * *

Subpart D – Imports

§ 1068.301 Does this subpart apply to me?

* * * * *

§ 1068.305 How do I get an exemption or exclusion for imported engines?

* * * * *

ADD:

(f) For any engine whose destination is California, send the completed form to the Executive Officer of the Air Resources Board.

§ 1068.310 What are the exclusions for imported engines?

* * * * *

§ 1068.315 What are the permanent exemptions for imported engines?

* * * * *

§ 1068.320 How must I label an imported engine with a permanent exemption?

* * * * *

(b)(4) DELETE,
REPLACE WITH:

State: "THIS IMPORT ENGINE IS GRANTED A PERMANENT EXEMPTION FROM MEETING CURRENT YEAR CALIFORNIA OFF-ROAD LARGE SPARK-IGNITION ENGINES EMISSION REQUIREMENTS BY ALLOWANCE FOR [identify the permanent exemption category authorizing the exemption (for example, "NATIONAL SECURITY")]. INSTALLING THIS ENGINE IN ANY DIFFERENT APPLICATION IS A VIOLATION OF CALIFORNIA LAW SUBJECT TO CIVIL PENALTY." The referencing of similar federal requirements in combination with California references under this provision is permitted.

§ 1068.325 What are the temporary exemptions for imported engines?

* * * * *

§ 1068.330 How do I import engines requiring further assembly?

* * * * *

§ 1068.335 What are the penalties for violations?

* * * * *

ADD:

(c) Under § 43017 of the California Health and Safety Code, the Air Resources Board may enjoin any violation of any provision of Subpart D of this part 1068.

Subpart E – Selective Enforcement Auditing

DELETE,

Appendix A to Subpart E of Part 1068-Plans for Selective Enforcement Auditing

DELETE,

Subpart F – Reporting Defects and Recalling Engines

DELETE,

REPLACE WITH:

Off-road large spark-ignition engines subject to provisions of Subpart F are subject to recall regulations specified in Title 13, California Code of Regulations, Chapter 9, Articles 4.5, Section 2439, Procedures for In-Use Engine Recalls for Large Off-Road Spark-Ignition Engines with an Engine Displacement Greater Than 1.0 Liter.

Subpart G – Hearings

§ 1068.601 What are the procedures for hearings?

DELETE,

REPLACE WITH:

A manufacturer may request a hearing on an Executive Officer's decision regarding certification, as specified in Title 17, California Code of Regulations, Division 3, Chapter 1, Subchapter 1.25, Articles 1 and 2.

Appendix I to Part 1068 – Emission-Related Components

* * * * *

Appendix II to Part 1068 – Emission-Related Parameters and Specifications

* * * * *