

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-04-043

Adoption of Exhaust and Evaporative Emission Control Requirements
for Small Off-Road Engines Less than 19 Kilowatts and Equipment
that use such Engines

WHEREAS, on September 25, 2003, the Air Resources Board (ARB or Board) conducted a public hearing to consider amendments to the small off-road engine regulations and test procedures, and adoption of evaporative emission standards, certification procedures, and evaporative test procedures for small off-road engines;

WHEREAS, following the public hearing on September 25, 2003, the Board adopted Resolution 03-24, in which the Board approved adoption of sections 2405.1, 2405.2, and 2405.3, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, and 2773, title 13, California Code of Regulations (CCR). Proposed adoption of the incorporated "California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines," and the incorporated "Small Off-Road Engine Evaporative Emission Test Procedures, TP-901 and TP-902" and "Small Off-Road Engine Evaporative Emissions Control System Certification Procedures, CP-901 and CP-902." Proposed amendments to sections 2400, 2401, 2403, 2404, 2405, 2407, 2408, and 2409, title 13, CCR. Proposed amendments to the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and later Small Off-Road Engines," as last amended January 28, 2000, title 13, CCR;

WHEREAS, in Resolution 03-24, the Board directed the Executive Officer to incorporate into the approved adoption the modifications described above, with such other conforming modifications as may be appropriate, and then to adopt the modified amendments, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modified text 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 she determines that this is warranted;

WHEREAS, on February 9, 2004, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 30 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, a number of written comment letters were received during the 30-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on May 14, 2004, additional modifications prepared in response to the comments received during the 30-day comment period were made available for public comment for a period of at least 15 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, a number of written comment letters were received during the Second 15-day comment period and those comments have been considered by the Executive Officer;

WHEREAS, on June 30, 2004, additional modifications prepared in response to the comments received during the Second 15-day comment period were made available for public comment for a period of at least 15 days, with the changes to the previously proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, a number of written comment letters were received during the Second 15-day comment period and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 03-24 are incorporated by reference herein.

IT IS FURTHER ORDERED in accordance with Resolution 03-24, the adoption of sections 2405.1, 2405.2, and 2405.3, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, and 2773, title 13, California Code of Regulations (CCR). Proposed adoption of the incorporated "California Exhaust Emission Standards and Test Procedures for 2005 and Later Small Off-Road Engines," and the incorporated "Small Off-Road Engine Evaporative Emission Test Procedures, TP-901 and TP-902" and "Small Off-Road Engine Evaporative Emissions Control System Certification Procedures, CP-901 and CP-902."

Proposed amendments to sections 2400, 2401, 2403, 2404, 2405, 2407, 2408, and 2409, title 13, CCR. Proposed amendments to the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and later Small Off-Road Engines," as last amended January 28, 2000, title 13, CCR. are adopted as set forth in Attachment 1 hereto.

Executed this 26th day of July, 2004, at Sacramento, California.

/s/

Catherine Witherspoon
Executive Officer

Attachment