STATE OF CALIFORNIA-CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY PETE WILSON, Governor
AIR RESOURCES BOARD
2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95812

State of California
AIR RESOURCES BOARD

Notice of Decision and
Response to Significant Environmental Issues

Item: NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE EMISSION CONTROL REGULATIONS FOR 1995 AND LATER MODEL UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES.

Approved by: Resolution 94-50

Adopted by: Executive Order G-95-051
Dated: May 26, 1995

Agenda Item No.: 94-7-1

Public Hearing Date: July 28, 1994

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Artavia M. Edwards
Regulations Coordinator

Date: 9 June 1995

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STATE OF CALIFORNIA—CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, *Governor*

AIR RESOURCES BOARD
2020 L STREET
P.O. BOX 2815
SACRAMENTO, CA 95814-2815

State of California
AIR RESOURCES BOARD

Notice of Decision and
Response to Significant Environmental Issues

Item: NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE EMISSION CONTROL REGULATIONS FOR 1995 AND LATER MODEL UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES.

Approved by: Resolution 94-50

Adopted by: Executive Order G-94-051
Dated: August 29, 1994

Agenda Item No.: 94-7-1

Public Hearing Date: July 28, 1994

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Artavia M. Edwards
Regulations Coordinator

Date: 29 August 1994

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State of California
AIR RESOURCES BOARD

Executive Order G-95-041

WHEREAS, on July 28, 1994, the Air Resources Board (ARB) conducted a public hearing to consider proposed amendments to Title 13, California Code of Regulations, sections 2400-2407 and incorporated California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines (Test Procedures);

WHEREAS, following the public hearing on July 28, 1994, the Board adopted Resolution 94-50, in which the Board approved the amendments to sections 2400-2407, Title 13, California Code of Regulations and the Test Procedures, as set forth in Attachments A thereto.

WHEREAS, Resolution 94-50 directed the Executive Officer to adopt the amendments as set forth in Attachment A thereto, with such conforming modifications as may be appropriate, after making the modified text available to the public for a supplemental written comment period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications 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 he determines that this is warranted;

WHEREAS, the text of sections 2400-2407, Title 13, California Code of Regulations and the incorporated Test Procedures were made available, in accordance with section 44, Title 1, California Code of Regulations, for a 15-day period during which comments on the modifications to the original proposed text were solicited; the text of the regulations and Test Procedures clearly indicated the modifications to the original proposal;

WHEREAS, one written comment was received during the 15-day comment period; the Executive Officer has considered the comment pertaining to the modifications to the original proposal and has determined that no further modifications are necessary or appropriate.

WHEREAS, in adopting Resolution 94-50 the Board approved the amendments to Part II, section 11(a)(1)(I) and Part III, section 4(a)(1)(I) of the Test Procedures pertaining to the types of petroleum-based certification test fuels that may be used by engine manufacturers for certification as proposed, without modifications and no supplemental comment period for this element of the amendments was necessary;

WHEREAS, the amendments pertaining to the types of petroleum-based certification test fuels that may be used by engine manufacturers for certification were adopted in Executive Order G-94-051, and are now in effect;

WHEREAS, the Final Regulation Order, attached hereto as Attachment A, contains the text of Part II, section 11(a)(1)(I) and Part III, section 4(a)(1)(I) of the Test Procedures, as it is now in effect and clearly indicates the other amendments approved by the Board in Resolution 94-50, with modifications that were made available in connection with the 15-day comment period, and which have not yet become effective.

NOW THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 94-50 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 94-50 and Health and Safety Code sections 39515 and 39516, that the amendments to sections 2400-2407 and the incorporated Test Procedures are hereby adopted as set forth in Attachment A hereto.

Executed this 26th day of May, 1995, at Sacramento, California.

Michael N. Schibble
for James D. Boyd
Executive Officer

Attachment

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JUN 13 1995

RESOURCES AGENCY OF CALIFORNIA

State of California
AIR RESOURCES BOARD

Executive Order G-94-051

WHEREAS, on July 28, 1994, the Air Resources Board (ARB) conducted a public hearing to consider proposed amendments to Title 13, California code of Regulations, sections 2400-2407 and incorporated California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines (Test Procedures);

WHEREAS, following the public hearing on July 28, 1994, the Board adopted Resolution 94-50, in which the Board approved the amendments to sections 2400-2407, Title 13, California Code of Regulations and the Test Procedures, as set forth in Attachments A thereto.

WHEREAS, Resolution 94-50 directed the Executive Officer to adopt the amendments as set forth in Attachment A thereto, with such conforming modifications as may be appropriate, after making the modified text available to the public for a supplemental written comment period of 15 days, provided that the Executive Officer shall consider such written comments regarding the modifications 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 he determines that this is warranted;

WHEREAS, in adopting Resolution 94-50 the Board approved the amendments to Part II, section 11(a)(1)(i) and Part III, section 4(a)(1)(i) of the Test Procedures pertaining to the types of petroleum-based certification test fuels that may be used by engine manufacturers for certification as proposed, without modifications and no supplemental comment period for this element of the amendments is necessary;

WHEREAS, the text of the amendments to section 2400-2407 and sections other than Part II, section 11(a)(1)(i) and Part III, section 4(a)(1)(i) of the Test Procedures approved by the Board with conforming modifications will be made available to the public for a supplemental comment period, no supplemental comment will be solicited for the portion of the amendments pertaining to the petroleum-based certification test fuel;

WHEREAS, Attachment A hereto sets forth the Board-approved amendments to Part II, section 11(a)(1)(i) and Part III, section 4(a)(1)(i) of the Test Procedures, pertaining to petroleum-based certification test fuels.

NOW THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 94-50 are incorporated herein.

IT IS FURTHER ORDERED, in accordance with Resolution 94-50 and Health and Safety Code sections 39515 and 39516, that the amendments to Part II, section 11(a)(1)(i) and

Part III, section 4(a)(1)(i) of the Test Procedure are hereby adopted as set forth in Attachment A hereto.

IT IS FURTHER ORDERED that the Executive Officer shall take final action regarding the rest of the amendments approved by the Board at the July 28, 1994 hearing in a subsequent Executive Order.

Executed this 29th day of August, 1994, at Sacramento, California.

James D. Boyd
Executive Officer

Attachment

State of California
AIR RESOURCES BOARD

Resolution 94-50
July 28, 1994

Agenda Item No.: 94-7-1

WHEREAS, section 39003 of the Health and Safety Code charges the Air Resources Board (ARB) with coordinating efforts to attain and maintain ambient air quality standards;

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the ARB to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the ARB by law;

WHEREAS, in section 43000.5 of the Health and Safety Code, the Legislature found and declared that despite significant reductions in vehicle emissions in recent years, continued growth in population and vehicle miles traveled throughout California have the potential not only to prevent attainment of the state standards, but in some cases, to result in worsening of air quality;

WHEREAS, section 43013 of the Health and Safety Code authorizes the ARB to adopt standards and regulations for the control of contaminants from off-road sources, including utility engines.

WHEREAS, section 43018 of the Health and Safety Code directs the ARB to achieve the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to accomplish the attainment of state standards at the earliest possible date;

WHEREAS, the ARB has adopted regulations under Title 13, California Code of Regulations (CCR) Section 2400, et seq. and procedures and documents to be incorporated by reference therein for 1995 and subsequent model utility and lawn and garden equipment engines, including emission standards, test procedures, emission control system warranties, enforcement procedures, and compliance testing;

WHEREAS, the staff has proposed amendments to the regulations under Title 13, CCR, Section 2400, et seq. and procedures and documents referenced therein for 1995 and subsequent model utility and lawn and garden equipment engines, including emission standards, test procedures, emission control system warranties, enforcement procedures, and compliance testing;

WHEREAS, the California Environmental Quality Act and ARB regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, pursuant to section 43013(e) of the Health and Safety Code and Government Code Sections 11346.53 and 11346.54, the ARB has considered the effects of the proposed amendments on the economy and businesses of the state, including the ability of businesses to compete with businesses in other states;

WHEREAS, section 209(e) of the Federal Clean Air Act (CAA), as amended in 1990, requires that the ARB receive authorization from the Administrator of the Environmental Protection Agency (EPA) to adopt and enforce standards relating to the control of emissions from nonroad engines or vehicles that are not otherwise preempted by federal law;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, the ARB finds that:

> Modifications to the emission test procedures, and the requirements regarding emission control labels, defects warranty, assembly-line quality-audit and new engine compliance testing are necessary;
>
> The proposed amendments would clarify and update the regulations and procedures, helping to ensure greater compliance with the emission standards;
>
> The proposed amendments do not change the previously adopted utility engine emission standards, and accordingly, do not impact the emission reductions that should be achieved;
>
> The proposed amendments will ensure consistency between the California and the test procedures that have been proposed by the EPA to regulate new nonroad spark-ignition engines at or below 19 kilowatts;

WHEREAS, the ARB has determined, in accordance with the California Environmental Quality Act and ARB regulations, that the proposed amendments to Title 13, CCR, sections 2400-2407 will not have significant adverse environmental impacts; and

WHEREAS, the reporting requirements of Title 13, CCR, sections 2403-2407, and the incorporated documents and procedures incorporated therein which apply to small businesses are necessary for the health, safety, and welfare of the people of the state;

NOW, THEREFORE, BE IT RESOLVED that the ARB hereby approves for adoption the proposed regulations in Title 13, CCR, sections 2400-2407 and the test

procedures and other requirements incorporated therein as amended at the hearing, as set forth in Attachment A;

BE IT FURTHER RESOLVED that the ARB directs the Executive Officer to adopt Title 13, CCR, sections 2400-2407 and the test procedures and other requirements incorporated therein after making substantive modifications to the text available to the public for a period of 15 days 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 ARB for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the ARB hereby determines that the regulations that have been adopted to date and the amendments to the regulations approved for adoption herein will not cause the California emission standards, in the aggregate, to be less protective of public health and welfare than applicable federal standards; that California needs such standards to meet compelling and extraordinary conditions within the State; that the standards and accompanying enforcement procedures are not inconsistent with the Federal Clean Air Act, as amended.

BE IT FURTHER RESOLVED that the Executive Officer shall forward the regulations and amendments to regulations approved for adoption herein to the Administrator of EPA with a request that California be given authorization to adopt and enforce such provisions.

I hereby certify that the above is a true and correct copy of Resolution 94-50, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

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RESOURCES AGENCY OF CALIFORNIA