

DRAFT

**State of California
AIR RESOURCES BOARD**

**CALIFORNIA EXHAUST EMISSION STANDARDS AND TEST PROCEDURES
FOR NEW 2000 AND LATER OFF-ROAD
COMPRESSION-IGNITION ENGINES**

PART I-B

Adopted: _____

NOTE: This document incorporates by reference 40 Code of Federal Regulations (CFR) Part 89, Subparts A, B, C, D, E, G, H, I, J, and K, as amended October 23, 1998. All language is new and set forth in standard type. 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, unchanged. CFR sections that are not listed are not part of the test procedures.

Table of Contents Page...

CALIFORNIA EMISSION STANDARDS AND TEST PROCEDURES
FOR NEW 2000 AND LATER OFF-ROAD COMPRESSION-IGNITION ENGINES

The following provisions of Part 89, Title 40, Code of Federal Regulations, as adopted or amended by the U. S. Environmental Protection Agency on the date listed, are adopted and incorporated herein by this reference for 2000 model year and later off-road compression-ignition engines as the California Emission Standards and Test Procedures for New 2000 and Later Off-Road Compression-Ignition Engines, except as altered or replaced by the provisions set forth below.

Part 89 – CONTROL OF EMISSIONS FROM NEW AND IN-USE NONROAD
COMPRESSION-IGNITION ENGINES

SOURCE: 63 FR 56967, October 23, 1998, unless otherwise noted.

Subpart A – General.

89.1 Applicability.

* * * * *

89.2 Definitions.

* * * * *

“Administrator” DELETE,
REPLACE WITH:

“Administrator” means the Executive Officer of the Air Resources Board (or by a designee).

* * * * *

“Certification” DELETE,
REPLACE WITH:

“Certification” means, with respect to new off-road compression-ignition engines, obtaining an Executive Order for an engine family complying with the off-road engine emission standards and requirements specified in the California Code of Regulations, Title 13, Section 2423.

“Compression-ignition” DELETE,
REPLACE WITH:

“Compression-ignition engine” means a type of engine with operating characteristics significantly similar to the theoretical Diesel combustion cycle. The non-use of a throttle to regulate intake flow for controlling power during normal operation is indicative of a compression-ignition engine. A compression-ignition engine may be petroleum-fueled

(i.e., diesel-fueled) or alternate-fueled. All engines and equipment that fall within the scope of the preemption of Section 209(e)(1)(A) of the Federal Clean Air Act, as amended, and as defined by regulation of the Environmental Protection Agency, are specifically not included within this category.

* * * * *

ADD:

“Curb idle” means: (1) For manual transmission code engines, the manufacturer’s recommended engine speed with the clutch disengaged. (2) For automatic transmission code engines, curb idle means the manufacturer’s recommended engine speed with the automatic transmission in gear and the output shaft stalled.

* * * * *

“EPA enforcement officer” DELETE,
REPLACE WITH:

“EPA enforcement officer” means an “ARB enforcement officer,” (or “ARB”) which means any employee of the Air Resources Board so designated in writing by the Executive Officer of the Air Resources Board or by the Executive Officer’s designee.

* * * * *

“Model year” DELETE,
REPLACE WITH:

“Model year” means the manufacturer’s annual production period, which includes January 1 of a calendar year or if the manufacturer has no annual production period, the calendar year. In the case of any vehicle manufactured in two or more stages, the time of manufacture shall be the date of completion of the chassis.

“Nonroad engine” DELETE,
REPLACE WITH:

“Off-road engine” means:

(1) Except as discussed in paragraph (2) of this definition, an off-road engine is any internal combustion engine:

* * * * *

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

(i) the engine is used to propel a passenger car, a light-duty truck, a medium-duty vehicle, a heavy-duty on-road vehicle, or a vehicle used solely for competition.

* * * * *

“Nonroad equipment” DELETE,
REPLACE WITH:

“Off-road equipment” means equipment powered by off-road engines.

“Nonroad vehicle” DELETE,
REPLACE WITH:

“Off-road vehicle” means a vehicle that is powered by an off-road engine as defined in this section and that is primarily used off a highway.

* * * * *

“U.S.-directed production volume” DELETE,
REPLACE WITH:

“U.S.- and California-directed production volume” means the number of off-road equipment, vehicle or marine diesel engine units produced by a manufacturer for which the manufacturer has reasonable assurance that sale was or will be made to the ultimate purchasers in the United States and/or California, respectively.

* * * * *

89.3 Acronyms and abbreviations.

* * * * *

ARB – Air Resources Board.

* * * * *

g/hp-hr – Grams per horsepower hour.

* * * * *

Hp – Horsepower.

* * * * *

89.4 [Reserved]

89.5 Table and figure numbering; position.

* * * * *

89.6 Reference materials.

(a) DELETE,

REPLACE WITH:

“Incorporation by reference. The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by _____

* * * * *

89.7 Treatment of confidential information.

* * * * *

Appendix A to Subpart A – State Regulation of Nonroad Internal Combustion Engines
62 FR67736, December 30, 1997.

Subpart B – Emission Standards and Certification Provisions.

89.101 Applicability.

* * * * *

89.102 Effective dates, optional inclusion, flexibility for equipment manufacturers.

(a) DELETE,
REPLACE WITH:
This subpart applies to all off-road compression-ignition engines described in the California Code of Regulations, Title 13, Section 2420:

* * * * *

89.103 Definitions.

DELETE,
REPLACE WITH:
The definitions in Subpart A apply to this Subpart. All terms not defined herein or in Subpart A have the meaning given them in the California Code of Regulations.

89.104 Useful life, recall, and warranty periods.

* * * * *

(c) DELETE,
REPLACE WITH:
The warranty periods for warranties are contained in California Code of Regulations, Title 13, Section 2425.

* * * * *

89.105 Certificate of conformity.

* * * * *

89.106 Prohibited controls.

* * * * *

89.107 Defeat devices.

* * * * *

89.108 Adjustable parameters, requirements.

* * * * *

89.109 Maintenance instructions and minimum allowable maintenance intervals.

(a) DELETE,

REPLACE WITH:

The manufacturer must furnish or cause to be furnished to the ultimate purchaser of each new off-road engine subject to emission standards in Section 2423 written instructions for the maintenance needed to ensure proper functioning of the emission control system.

Paragraphs (b) through (h) of this section do not apply to Tier 1 engines with rated power 50 hp and greater, but less than 175 hp.

* * * * *

(c)(2)(ii) DELETE

* * * * *

89.110 Emission control information label.

DELETE,

REPLACE WITH:

Refer to Section 2424, Title 13 of the California Code of Regulations.

89.111 Averaging, banking, and trading of exhaust emissions.

* * * * *

89.112 Oxides of nitrogen, carbon monoxide, hydrocarbon, and particulate matter exhaust emission standards.

(a) * * * * *

Table 1. DELETE,

REPLACE WITH:

Table 1. – Exhaust Emission Standards
(grams per brake horsepower – hour)

Maximum Rated Horsepower (hp)	Tier	Model Year	NO _x	HC	NMHC+ NO _x	CO	PM
hp<11	Tier 1	2000-2004	—	—	7.8	6.0	0.75
	Tier 2	2005 and later	—	—	5.6	6.0	0.60
11≤hp<25	Tier 1	2000-2004	—	—	7.1	4.9	0.60
	Tier 2	2005 and later	—	—	5.6	4.9	0.60
25≤hp<50	Tier 1	2000-2003	—	—	7.1	4.1	0.60
	Tier 2	2004 and later	—	—	5.6	4.1	0.45
50≤hp<100	Tier 1	2000-2003	6.9	—	—	—	—
	Tier 2	2004-2007	—	—	5.6	3.7	0.30
	Tier 3	2008 and later	—	—	3.5	3.7	—
100≤hp<175	Tier 1	2000-2002	6.9	—	—	—	—
	Tier 2	2003-2006	—	—	4.9	3.7	0.22
	Tier 3	2007 and later	—	—	3.0	3.7	—
175≤hp<300	Tier 1	2000-2002	6.9	1.0	—	8.5	0.40
	Tier 2	2003-2005	—	—	4.9	2.6	0.15
	Tier 3	2006 and later	—	—	3.0	2.6	—
300≤hp<600	Tier 1	2000	6.9	1.0	—	8.5	0.40
	Tier 2	2001-2005	—	—	4.8	2.6	0.15
	Tier 3	2006 and later	—	—	3.0	2.6	—
600≤hp≤750	Tier 1	2000-2001	6.9	1.0	—	8.5	0.40
	Tier 2	2002-2005	—	—	4.8	2.6	0.15
	Tier 3	2006 and later	—	—	3.0	2.6	—
hp>750	Tier 1	2000-2005	6.9	1.0	—	8.5	0.40
	Tier 2	2006 and later	—	—	4.8	2.6	0.15

* * * * *

(c) DELETE,
REPLACE WITH:
Exhaust emission of particulate matter is measured using the PM and Test Cycle
Procedures.

(d) * * * * *

Table 2. DELETE,
REPLACE WITH:

Table 2 – Upper Limit for Family Emission Limits (FEL)
(grams per brake horsepower – hour)

Maximum Rated Horsepower (hp)	Tier	Model Year	NO _x FEL	NMHC+NO _x FEL	PM FEL
hp<11	Tier 1	2000-2004	—	10.0	0.90
	Tier 2	2005 and later	—	7.9	0.75
11≤hp<25	Tier 1	2000-2004	—	10.0	0.90
	Tier 2	2005 and later	—	7.1	0.60
25≤hp<50	Tier 1	2000-2003	—	10.0	0.90
	Tier 2	2004 and later	—	7.1	0.60
50≤hp<100	Tier 1	2000-2003	6.9	7.9	—
	Tier 2	2004-2007	—	7.9	0.90
	Tier 3	2008 and later	—	5.6	—
100≤hp<175	Tier 1	2000-2002	6.9	7.9	—
	Tier 2	2003-2006	—	7.9	0.90
	Tier 3	2007 and later	—	5.0	—
175≤hp<300	Tier 1	2000-2002	6.9	7.9	—
	Tier 2	2003-2005	—	7.9	0.40
	Tier 3	2006 and later	—	5.0	—
300≤hp<600	Tier 1	2000	6.9	7.9	—
	Tier 2	2001-2005	—	7.9	0.40
	Tier 3	2006 and later	—	4.8	—
600≤hp≤750	Tier 1	2000-2001	6.9	7.9	—
	Tier 2	2002-2005	—	7.9	0.40
	Tier 3	2006 and later	—	4.8	—
hp>750	Tier 1	2000-2005	6.9	7.9	—
	Tier 2	2006 and later	—	7.9	0.40

(e) DELETE,
REPLACE WITH:

Naturally aspirated off-road engines to which this subpart is applicable shall not discharge crankcase emissions into the ambient atmosphere, unless such crankcase emissions are permanently routed into the exhaust and included in all exhaust emission measurements. This provision applies to engines under 25 hp, engines 175 hp and greater, and to all Tier 2 engines and later models.

(f) * * * * *

Table 3. DELETE,
REPLACE WITH:

Table 3.—Voluntary Emission Standards
(grams per brake horsepower – hour)

<u>Maximum Rated Horsepower (hp)</u>	NMHC + NO _x	PM
hp<11	3.4	0.36
11≤hp<25	3.4	0.36
25≤hp<50	3.4	0.27
50≤hp<100	3.5	0.18
100≤hp<175	3.0	0.13
175≤hp≤750	3.0	0.09
hp>750	2.8	0.09

* * * * *

(3) *Test procedures.* NO_x, NMHC, and PM emissions are measured using the procedures set forth in the “California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles” in lieu of the procedures set forth in the 2000 and Later Test Procedures. Manufacturers may use an alternate procedure to demonstrate the desired level of control if approved in advance by the Executive Officer. Engines meeting the requirements to qualify as Blue Sky Series engines must be capable of maintaining a comparable level of emission control when tested using the procedures set forth in the 2000 and Later Test Procedures. The numerical emission levels measures using the procedures from Subpart E of this part may be

up to 20 percent higher than those measured using procedures from 40 CFR part 86, subpart N, and still be considered comparable.

89.113 Smoke emission standard.

* * * * *

(b) Opacity levels are to be measured and calculated as set forth in the Smoke Test Procedures. Notwithstanding the provisions of the Smoke Test Procedures, two-cylinder off-road engines may be tested using an exhaust muffler that is representative of exhaust mufflers used with the engines in use.

* * * * *

89.114 Special and alternate test procedures.

* * * * *

89.115 Application for certificate.

* * * * *

(d)(10) DELETE,
REPLACE WITH:
An unconditional statement certifying that all engines in the engine family comply with all requirements of this part, Title 13, and Division 26 of the Health and Safety Code.

89.116 Engine families.

* * * * *

89.117 Test fleet selection.

* * * * *

89.118 Deterioration factors and service accumulation.

* * * * *

89.119 Emission tests.

* * * * *

(a)(1) DELETE,
REPLACE WITH:

Upon completion of service accumulation, the manufacturer must test each test engine using the specified test procedures, except as provided in Section 89.114. The procedures used are set forth in:

- (i) 2000 and Later Test Procedures,
- (ii) PM and Test Cycle Procedures, and
- (iii) California Smoke Test Procedures.

* * * * *

89.120 Compliance with emission standards.

* * * * *

89.121 Certificate of conformity effective dates.

* * * * *

89.122 Certification.

(a) DELETE,
REPLACE WITH:

If, after a review of the manufacturer's application, request for executive order, information obtained from any inspection, and such other information as the Executive Officer may require, the Executive Officer determines that the application is complete and that the engine family meets the requirements of this part, Title 13 of the California Code of Regulations, and Division 26 of the Health and Safety Code, the Executive Officer shall issue an executive order.

(b) DELETE,
REPLACE WITH:

If, after a review of the information described in paragraph (a) of this section, the Executive Officer determines that the requirements of this part, Title 13 of the California Code of Regulations, and Division 26 of the Health and Safety Code have not been met, the Executive Officer will deny certification. The Executive Officer must give a written explanation when certification is denied. The manufacturer may request a hearing on a denial.

89.123 Amending the application and certification of conformity.

* * * * *

89.124 Record retention, maintenance, and submission.

* * * * *

89.125 Production engines, annual report.

* * * * *

89.126 Denial, revocation of certificate of conformity.

* * * * *

89.127 Request for hearing.

* * * * *

89.128 Hearing procedures.

* * * * *

89.129 Right of entry.

* * * * *

89.130 Rebuild practices.

(a) DELETE,

REPLACE WITH:

The provisions of this section are applicable to engines subject to the standards prescribed in the California Code of Regulations, Title 13, Section 2423 and are applicable to the process of engine rebuilding (or rebuilding a portion of an engine or engine system). This section does not apply to Tier 1 engines rated at or above 50 hp and greater, but less than 175 hp. For Tier 1 engines 175 hp and greater, this section applies.

* * * * *

(e) DELETE,

REPLACE WITH:

When conducting a rebuild without removing the engine from the equipment, or during the installation of a rebuilt engine, all critical emission-related components listed in the California Code of Regulations, Title 13, Section 2425, not otherwise addressed by

paragraphs (b) through (d) of this section must be checked and cleaned, adjusted, repaired, or replaced as necessary, following manufacturer recommended practices.

* * * * *

Subpart C – Averaging, Banking, and Trading Provisions.

89.201 Applicability.

* * * * *

89.202 Definitions.

* * * * *

89.203 General provisions.

* * * * *

89.204 Averaging.

* * * * *

89.205 Banking.

* * * * *

89.206 Trading.

* * * * *

89.207 Credit calculation.

* * * * *

89.208 Labeling.

* * * * *

89.209 Certification.

* * * * *

89.210 Maintenance of records.

* * * * *

89.211 End-of-year and final reports.

* * * * *

(c)(1) DELETE,
REPLACE WITH:

End-of-year reports must be submitted within 90 days of the end of the model year to the Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731.

(c)(2) DELETE,
REPLACE WITH:

Final reports must be submitted within 270 days of the end of the model year to the Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731.

* * * * *

89.212 Notice of opportunity for hearing.

* * * * *

Subpart D – Emission Test Equipment Provisions

89.301 Scope; applicability.

* * * * *

89.302 Definitions.

* * * * *

89.303 Symbols/abbreviations.

* * * * *

89.304 Equipment required for gaseous emissions; overview.

* * * * *

89.305 Equipment measurement accuracy/calibration frequency.

* * * * *

89.306 Dynamometer specifications and calibration weights.

* * * * *

89.307 Dynamometer calibration.

* * * * *

89.308 Sampling system requirements for gaseous emissions.

* * * * *

89.309 Analyzers required for gaseous emissions.

* * * * *

89.310 Analyzer accuracy and specifications.

* * * * *

89.311 Analyzer calibration frequency.

* * * * *

- 89.312 Analytical gases.
* * * * *
- 89.313 Initial calibration of analyzers.
* * * * *
- 89.314 Pre- and post-test calibration of analyzers.
* * * * *
- 89.315 Analyzer bench checks.
* * * * *
- 89.316 Analyzer leakage and response time.
* * * * *
- 89.317 NOx converter check.
* * * * *
- 89.318 Analyzer interference checks.
* * * * *
- 89.319 Hydrocarbon analyzer calibration.
* * * * *
- 89.320 Carbon monoxide analyzer calibration.
* * * * *
- 89.321 Oxides of nitrogen analyzer calibration.
* * * * *
- 89.322 Carbon dioxide analyzer calibration.
* * * * *
- 89.323 NDIR analyzer calibration.
* * * * *

89.324 Calibration of other equipment.

* * * * *

89.325 Engine intake air temperature measurement.

* * * * *

89.326 Engine intake air humidity measurement.

* * * * *

89.327 Charge cooling.

* * * * *

89.328 Inlet and exhaust restrictions.

* * * * *

89.329 Engine cooling system.

* * * * *

89.330 Lubricating oil and test fuels.

* * * * *

89.331 Test conditions.

* * * * *

Appendix A to Subpart D

* * * * *

Subpart E – Exhaust Emission Test Procedures.

89.401 Scope; availability.

* * * * *

(b) DELETE,

REPLACE WITH:

Exhaust gases, either raw or dilute, are sampled while the test engine is operated using the appropriate test cycle on an engine dynamometer. The exhaust gases receive specific component analysis determining concentration of pollutant, exhaust volume, the fuel flow (raw analysis), and the power output during each mode. Emissions are reported as grams per horsepower hour (g/hp-hr).

* * * * *

89.402 Definitions.

* * * * *

89.403 Symbols/abbreviations.

* * * * *

89.404 Test procedure overview.

* * * * *

(b) DELETE,

REPLACE WITH:

The test is designed to determine the brake-specific emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, and particulate matter. For more information on particulate sampling see the “PM and Test Cycle Procedures. The test cycles consist of various steady-state operating modes that include different combinations of engine speeds and loads. These procedures require the determination of the concentration of each pollutant, exhaust volume, the fuel flow (raw analysis) and the power output during each mode. The measured values are weighted and used to calculate the grams of each pollutant emitted per horsepower hour (g/hp-hr).

* * * * *

89.405 Recorded information.

* * * * *

89.406 Pre-test procedures.

- * * * * *
- 89.407 Engine dynamometer test run.
- * * * * *
- 89.408 Post-test procedures.
- * * * * *
- 89.409 Data logging.
- * * * * *
- 89.410 Engine test cycle.
- * * * * *
- 89.411 Exhaust sample procedure – gaseous components.
- * * * * *
- 89.412 Raw gaseous exhaust sampling and analytical system description.
- * * * * *
- 89.413 Raw sampling procedures.
- * * * * *
- 89.414 Air flow measurement specifications.
- * * * * *
- 89.415 Fuel flow measurement specifications.
- * * * * *
- 89.416 Raw exhaust gas flow.
- * * * * *
- 89.417 Data evaluation for gaseous emissions.
- * * * * *
- 89.418 Raw emission sampling calculations.

* * * * *

89.419 Dilute gaseous exhaust sampling and analytical system description.

* * * * *

89.420 Background sample.

* * * * *

89.421 Exhaust gas analytical system; CVS bag sample.

* * * * *

89.422 Dilute sampling procedures – CVS calibration.

* * * * *

89.423 [Reserved]

89.424 Dilute emission sampling calculations.

* * * * *

89.425 [Reserved]

Appendix A to Subpart E

* * * * *

Appendix B to Subpart E

* * * * *

Subpart G – Importation of Nonconforming Nonroad Engines.

89.601 Applicability.

* * * * *

89.602 Definitions.

* * * * *

89.603 General requirements for importation of nonconforming nonroad engines.

* * * * *

89.604 Conditional admission.

* * * * *

(c)(4) DELETE,
REPLACE WITH:

A copy of the written record is to be submitted to the Chief of the Mobile Source Operations Division within five working days of the transfer date.

(c)(4) DELETE,
REPLACE WITH:

Notwithstanding any other requirement of this subpart or U.S. Customs Service regulations, an ICI may also assume responsibility for the modification and testing of a nonconforming off-road engine that was previously imported by another party. The ICI must be a holder of a currently valid Executive Order for that specific off-road engine or authorized to import it pursuant to Section 89.609 at the time of assuming such responsibility. The ICI must comply with all the requirements of Sections 89.603, 89.604, and either 89.605 or 89.609, as applicable. For the purposes of this subpart, the ICI has “imported” the off-road engine as of the date the ICI assumes responsibility for the modification and testing of the off-road engine. The ICI must submit written notification to the Chief of the Mobile Source Operations Division within 10 working days of the assumption of that responsibility.

89.605 Final admission of certified nonroad engines.

* * * * *

89.606 Inspection and testing of imported nonroad engines.

* * * * *

89.607 Maintenance of independent commercial importer’s records.

* * * * *

89.608 "In Use" inspections and recall requirements.

* * * * *

89.609 Final admission of modification nonroad engines and test nonroad engines.

* * * * *

89.610 Maintenance instructions, warranties, emission labeling.

* * * * *

89.611 Exemptions and exclusions.

* * * * *

(g) DELETE,
REPLACE WITH:
An application for exemption and exclusion provided for in paragraphs (b), (c), and (e) of this section is to be mailed to: Chief of Mobile Source Operations, 9528 Telstar Avenue, El Monte, CA 91731, Attention: Certification.

89.612 Prohibited acts; penalties.

* * * * *

89.613 Treatment of confidential information.

* * * * *

Subpart H – Recall Regulations

89.701 Applicability.

* * * * *

89.702 Definitions.

* * * * *

89.703 Applicability of part 85, subpart S. DELETE

REPLACE WITH: Recall procedures.

(a) Off-road engines subject to provisions of Subpart B of this part are subject to recall regulations specified in Title 13, California Code of Regulations, Chapter 2, Articles 2.1 – 2.3, Sections 2111 – 2140.

Subpart I – Emission Defect Reporting Requirements

89.801 Applicability.

* * * * *

89.802 Definitions.

* * * * *

89.803 Applicability of part 85, subpart T. DELETE,

* * * * *

Subpart J – Exemption Provisions

89.901 Applicability.

* * * * *

89.902 Definitions.

* * * * *

89.903 Application of section 216(10) of that Act.

* * * * *

(b) DELETE,
REPLACE WITH:

ARB will maintain a list of off-road engines that have been determined to be excluded because they are used solely for competition. This list will be available to the public and may be obtained by writing to the following address: Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731.

* * * * *

89.904 Who may request an exemption.

* * * * *

89.905 Testing exemption.

* * * * *

(f) DELETE,
REPLACE WITH:

A manufacturer of new off-road engines may request a testing exemption to cover off-road engines intended for use in test programs planned or anticipated over a course of a subsequent one-year period. Unless otherwise required by the Chief of Mobile Source Operations Division, a manufacturer requesting such an exemption need only furnish the information required by paragraphs (a)(1) and (d) (2) of this section along with a description of the record-keeping and control procedures that will be employed to assure that the engines are used for purposes consistent with paragraph (a) of this section.

89.906 Manufacturer-owned exemption and precertification exemption.

* * * * *

(a)(2) DELETE,
REPLACE WITH:

The manufacturer must provide right of entry and access to these records to ARB authorized representatives as outlined in Section 89.129.

(a)(3) DELETE,
REPLACE WITH:

Unless the requirement is waived or an alternate procedure is approved by the Chief of Mobile Source Operations Division, the manufacturer must permanently affix a label to each off-road engine on exempt status. This label should:

* * * * *

(b) DELETE,
REPLACE WITH:

Any independent commercial importer that desires a precertification exemption pursuant to Section 89.611(b)(3) and is in the business of importing, modifying, or testing uncertified off-road engines for resale under the provisions of Subpart G of this part, must apply to the Chief of Mobile Source Operations Division. The Chief may require such independent commercial importer to submit information regarding the general nature of the fleet activities, the number of off-road engines involved, and a demonstration that adequate record-keeping procedures for control will be employed.

89.907 Display exemption.

* * * * *

89.908 National security exemption. 61 FR 52102, October 4, 1996

* * * * *

(b) DELETE,
REPLACE WITH:

ARB will maintain a list of models of off-road engines (and the vehicles that use them) that have been granted a national security exemption under paragraph (a)(2) of this section. This list will be made available to the public and may be obtained by writing to the following address: Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731.

89.909 Export exemptions.

* * * * *

(c) DELETE,
REPLACE WITH:

ARB will maintain a list of foreign countries that have in force off-road emission standards identical to ARB standards and have so notified ARB. This list may be obtained by writing to the following address: Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731. New off-road engines exported to such countries must comply with ARB certification regulations.

89.910 Granting of exemptions.

* * * * *

89.911 Submission of exemption requests.

DELETE,

REPLACE WITH:

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to: Chief of Mobile Source Operations Division, 9528 Telstar Avenue, El Monte, CA 91731.

89.912 Treatment of confidential information.

* * * * *

Subpart K – General Enforcement Provisions and Prohibited Acts

89.1001 Applicability.

* * * * *

89.1002 Definitions.

* * * * *

89.1003 Prohibited acts.

* * * * *

(b)(7) DELETE,
REPLACE WITH:

A new off-road engine equal to or greater than 225 cubic centimeters displacement intended solely to replace an off-road engine in a piece of off-road equipment, where the engine requiring replacement is not certified or is certified to emission standards that are less stringent than those in effect when the replacement engine is built, shall not be subject to the prohibitions of paragraph (a)(1) of this section or to the requirements of Section 89.105 and paragraph (b)(4) of this section, provided that:

* * * * *

89.1004 General enforcement provisions.

* * * * *

89.1005 Injunction proceedings for prohibited acts.

* * * * *

89.1006 Penalties.

* * * * *

89.1007 Warranty provisions.

* * * * *

89.1008 In-use compliance provisions.

(a) DELETE,

REPLACE WITH:

Effective with respect to nonroad vehicles, equipment, and engines manufactured during model years 2000 and after:

* * * * *