

Final Regulation Order

Adopt Article 4, Chapter 15, Division 3, Title 13, California Code of Regulations, to read as follows:

Chapter 15. Additional Off-Road Vehicles and Engines Pollution Control Requirements

Article 4 Evaporative Emission Requirements for Pleasure Craft Marine Engines

§2790. Purpose.

The purpose of these regulations is to:

- (a) Set design standards for vessels using gasoline-fueled, spark-ignited marine engines (Pleasure Craft); and
- (b) Set alternative performance standards for vessels using gasoline-fueled, spark-ignited marine engines.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2790.1 Applicability.

- (a) For the model year vessels subject to this Article, no Pleasure Craft will be:
 - (1) manufactured for sale or leased for use or operation in California, or
 - (2) sold or leased or offered for sale or lease for use or operation in California, or
 - (3) delivered or imported into California for introduction into commerce in California,

without an evaporative emission control system that has been certified and labeled pursuant to this Article.

- (b) This Article does not apply to:

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- (1) vessels that use compression-ignition engines, or vessels powered with compressed natural gas (CNG), propane, liquefied petroleum gas (LPG), or liquefied natural gas (LNG).

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2790.2 Definitions.

- (a) The definitions in section 1900(b), Chapter 1, section 2790, Chapter 15, and section 2752, Chapter 15, Division 3, Title 13 of the California Code of Regulations, apply to this Article with the following additions:
 - (1) "EO Holder" means any person or persons who obtain(s) an Executive Order of Certification for a complete evaporative system or the evaporative emission component
 - (2) "Evaporative Family" means a class of components/vessels that are grouped together based on similar fuel system characteristics as they relate to evaporative emissions.
 - (3) "Evaporative System Builder" refers to any business, company, or manufacturer that installs or mounts a complete evaporative system; this includes (but is not limited to) dealers, vessel manufacturers, and boat builders.
 - (4) "Executive Order of Certification" refers to an Executive Order issued for the complete evaporative system.
 - (5) "Fuel Injection" is defined as any mechanical fuel system in which pressurized fuel is sprayed or injected directly into the cylinders of an internal combustion engine.
 - (6) "Made Available in California" is defined as being any of the following:
 1. Manufactured for sale or lease, for use or operation in California
 2. Sold, or leased, or offered for sale or lease for use or operation in California
 3. Delivered or imported into California for introduction into commerce in California
 - (7) "Phase III California Reformulated Certification (CERT) fuel" refers to fuel that meet the specifications as set in the California Phase 3 Reformulated Gasoline regulations.

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- (8) "Pleasure Craft" refers to all vessels using spark-ignited marine engines; this includes personal watercraft, inboard, outboard, stern drive and boats equipped with jet drive.
- (9) "TP-1501" means "Test Procedure for Determining Diurnal Emissions From Pleasure Craft Engines," draft proposed February 25, 2009.
- (10) "TP-1502" means "Test Procedure for Determining Permeation Emissions From Pleasure Craft Fuel Tanks," draft proposed February 25, 2009.
- (11) "TP-1503" means "Test Procedure for Determining Carbon Canister Performance: Durability Demonstration and Working Capacity," draft proposed February 25, 2009.

§2791. Certification Requirements.

The primary method for certifying the complete evaporative emissions system on vessels by evaporative system builders is through design-based certification. To facilitate design-based certification, ARB approves evaporative emission system components through the component certification process described below. As an alternative to design-based certification, evaporative system builders may elect to certify complete evaporative systems through performance-based certification.

(a) Component Certification

- (1) In order to obtain a component Executive Order, which can be referenced in a design-based certification application, evaporative emission component manufacturers must apply for a component Executive Order. The application must include data demonstrating that their component meets the Design Requirements in section 2791.1 (a).
 - (A) The Executive Officer may make a determination to approve components (fuel tanks, fuel hoses, and carbon canisters) for use on evaporative emission control systems that have been shown to meet the Design Requirements in section 2791.1 (a) of this Article.
 - (B) A component manufacturer must apply in writing to the Monitoring and Laboratory Division Chief for a component claimed under subsection (1). The applicant must include the data from at least five samples of the component and must include the supporting documentation that quantifies the emissions or shows the efficiency of the components. All

five representative components must be tested using the test procedures specified in section 2791.5. All information, including proprietary data submitted by a manufacturer pursuant to this section, will be handled in accordance with the disclosure of public records procedures specified in title 17, California Code of Regulations, sections 91000-91022.

- (C) Within 30 days of receipt of the application, the Executive Officer must determine whether an application is complete.
 - (D) Within 90 days after an application has been deemed complete, the Executive Officer will approve/disapprove the component. If approved, an Executive Order will be issued for the component. The applicant and the Executive Officer may mutually agree to a longer time for reaching a decision. An applicant may submit additional supporting documentation before a decision has been reached.
 - (E) If the Evaporative Emission Design Standards in section 2791.1 (a) are amended for a product category, all “approvals” granted for components in the product category, except as provided in subsection (F), are void as of the effective date of the amended standards unless the applicable component requirements are not amended.
 - (F) If the Executive Officer determines that a component for which an “approval” has been granted no longer meets the performance standards specified in subsection (a), the Executive Officer may deny, suspend or revoke the Executive Order following provisions of Section 2793.3 of this Article.
 - (G) When requested by the evaporative system builder, the Executive Order number will be available from the component manufacturer or from the Air Resources Board website.
- (2) Applying for Component Certification

The component manufacturer must apply for an Executive Order of Certification. An applicant who wishes to certify evaporative emission components that comply with the design component standards specified in section 2791.1(a) must submit evaporative emission data from evaporative emission components.

- (b) Design-Based Vessel Certification

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Any evaporative system builder may submit an application for design-based certification..

(1) The evaporative system builder choosing to certify by design-based certification must:

- (A) Complete the installation as directed by component manufacturer of the evaporative system of the vessel
- (B) Verify that the limitations contained within the referenced component Executive Order have not been exceeded
- (C) Submit an application that includes the approved Executive Order number for the evaporative system components.

(2) In order to certify by the Design Requirements in section 2971.1 (a), the applicant must apply for an Executive Order of Certification for the vessel. The evaporative system builder must document all evaporative components installed in the vessel and record the Executive Order number for each component. Upon submission of a design-based certification application, the vessel may be offered for sale in California. As long as the information contained within the vessel certification application is found to be true and accurate, the Executive Order of certification will be issued within 45 days.

(3) Applying for Design-Based Vessel Certification

The evaporative system builder must apply for an Executive Order of Certification for a vessel before it is sold in California. The applicant who wishes to certify the vessel must:

- (A) Submit a certification application that includes evaporative emission component Executive Order numbers for all components in the complete evaporative emissions system as specified under the Design Requirement in section 2791.1 (a)

(c) Performance-Based Vessel Certification

As an alternative to design-based certification, the evaporative system builder has the option to certify by performance-based certification demonstrating that their vessel meets the Performance Requirements in section 2791.1 (b).

(1) In order to certify by the performance Requirements in section 2971.1 (b), the applicant must document all evaporative emission control components, must test the vessel using TP-1501 as listed in section 2791.5 (b), and must apply for an Executive Order of

Certification for the vessel before the Pleasure Craft may be offered for sale in California.

(2) Applying for Performance-Based Vessel Certification

The evaporative system builder must apply for an Executive Order of Certification for a vessel before it is sold in California. The applicant who wishes to certify the vessel must:

- (A) Submit a certification application with data that demonstrates compliance with the Performance Requirements in section 2791.1 (b).

(d) Electronic Certification

It is the intent of the Air Resources Board to allow electronic submittal of vessel system certification applications.

(e) Tampering/Tamper resistance

- (1) All tampering, removal or modifications of the evaporative emissions control system is prohibited
- (2) A Pleasure Craft evaporative emissions control system must be designed in such a way that it is resistant to tampering or removal. Tamper resistance pertains, but is not limited to:
- Design of fuel and vapor line connectors
 - Use of tamper resistant fasteners
 - Placement and integration of emission components so that tampering or removal without special tools is difficult.
- (3) The evaporative system must be designed in such a way that tampering/disassembling is not needed to conduct normal functions. Normal functions include routine maintenance and refueling of the Pleasure Craft.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2791.1 Evaporative Emission Design and Performance Standards

The tables below specify the evaporative emission design and performance standards for all Pleasure Craft vessels that use spark-ignited marine engines. All Pleasure Craft made available in California must certify to 2791.1(a) or 2791.1(b) below.

**Table 1
Evaporative Emission Design Standards**

Design Requirements Section 2791.1(a)					
Effective Date Model Year	Fuel Hose Permeation Grams/m²/day ROG	Fuel Tank Permeation Grams/m²/day ROG	Carbon Canister Butane Working Capacity Grams/Liter¹	Fuel Injection	Production Compliance Phase-In
2012 and subsequent	5.0	1.0	1.4	Required	All Pleasure Craft With Horsepower > 200 HP
2013 and subsequent	5.0	1.0	1.4	Required	All Pleasure Craft With Horsepower > 50 HP
2014 and subsequent	5.0	1.0	1.4	Required	All Pleasure Craft With Horsepower All HP

¹ grams of vapor storage capacity per liter of nominal fuel tank volume

**Table 2
Evaporative Emission Performance Standards**

Performance Requirements Section 2791.1(b)		
Effective Date Model Year	PLEASURE CRAFT Type	Diurnal Standard Grams HC/day
2012	All PLEASURE CRAFT Types	0.048 * Tank Volume (liters) + 0.97

- (a) On or after the model year set out in Table 1 above, evaporative emissions from any Pleasure Craft that uses a spark ignited marine engine certifying under this section must not exceed the design requirements specified in Table 1 of section 2791.1.
- (1) Manufacturers certifying vessels under section 2791.1(a) must do the following:
- (A) Provide test data in the certification application that fuel lines, fuel tanks, and carbon canisters meet the requirements set forth in section 2791.1 Table 1. Components will be tested according to the test procedures

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indicated in Table 3 of section 2791.5 at 40C, or higher, and ambient pressure using Phase III California Reformulated Certification (CERT) fuel.

- (b) On or after the model year set out in Table 2 above, evaporative emissions from any Pleasure Craft vessel that use Pleasure Craft engines certifying under this section must not exceed the performance requirements specified in Table 2 of section 2791.1.
 - (2) Manufacturers certifying vessels under section 2791.1(b) must do the following:
 - (A) Test all evaporative families in accordance with TP-1501.
- (c) On or after the model year set out herein, engines used on vessels subject to this Section must meet the requirements set in Section 2791.1 and meet the following phase in of production compliance as set forth in Table 1.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2791.2 Fuel Cap Performance Standard.

For 2012 and subsequent Pleasure Craft model years, all fuel caps must meet the following performance standards:

- (a) Fuel cap must be permanently tethered to the tank, vessel, or engine;
and
- (b) Fuel cap must be designed to provide physical and/or audible feedback to the user that a vapor seal has been achieved.
or
- (c) A manufacturer may request approval from the Executive Officer for fuel caps that do not meet the above requirement. Data proving that the fuel cap standards are comparable to the above standard must be submitted with the request.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2791.3 Onboard Refueling Vapor Recovery.

All 2012 and subsequent model year Pleasure Craft made available in California must have onboard refueling vapor recovery.

- (a) The fuel fill pipes must be compatible with gasoline dispensers as defined in CP-201 section 4 “Certification Procedure for Vapor Recovery Systems at Dispensing Facilities” Amended: May 25, 2006.
- (b) Pleasure Craft must have an emission control system that prevents any fuel vapor that is displaced during refueling from escape into the atmosphere unattenuated.
- (c) Section 2417.5b above holds when the vessel is being refueled from an on-road-vehicle compliant dispensing nozzle.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2791.4 After Market Parts.

Sale or installation of any aftermarket parts in California without an ARB approved Executive Order is prohibited. Distribution of all aftermarket parts to be sold in California and used on Pleasure Craft must meet all requirements outlined in sections 2470 – 2476, Article 7, Chapter 9, Division 3, Title 13 of the California Code of Regulations.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2791.5 Test Procedures.

**Table 3
Evaporative Emission Test Procedures**

Evaporative Emissions Test Procedures				
Effective Date Model Year	Performance SHED Testing	Fuel Tank Permeation	Fuel Hose Permeation	Carbon Canister
2012	TP-1501	TP-1502	33 CFR §1060.515	TP-1503

- (a) Testing to determine compliance with section 2791.1(a) of this Article must be performed using TP-1502, draft proposed February 25, 2009; 33 CFR §1060.515; and TP-1503, draft proposed February 25, 2009, which are

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incorporated by reference herein. The permeation testing must be conducted at 40°C, or higher, and ambient pressure using Phase III California Reformulated Certification (CERT) fuel.

- (b) Testing to determine compliance with section 2791.1(b) of this Article must be performed using TP-1501, draft proposed February 25, 2009, which is incorporated by reference herein.
- (c) Testing according to CFR §1060.515 must be performed at 40°C, or higher, and ambient pressure using Phase III California Reformulated Certification (CERT) fuel and using the calculation and acceptance criteria as outlined in section 14 of TP-1502.

Test procedures referred to in this Article may be obtained from the California Air Resources Board at P.O. Box 2815, Sacramento, California 95812 or over the Internet at <http://www.arb.ca.gov>.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2792. Component Labeling.

- (a) Purpose. The Air Resources Board recognizes that components must be properly labeled in order to identify those that meet applicable evaporative emission standards.
 - (1) A label must be molded into or otherwise permanently attached by the component manufacturer to an area on the component in such a way that it will be readily visible.
 - (2) The label must contain the approved Executive Order Number.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2792.1 Vessel Labeling.

- (a) Purpose. The Air Resources Board recognizes that vessels must be properly labeled in order to identify those that meet applicable evaporative emission standards. These specifications require that evaporative system builders and/or engine manufacturers affix a certification label (or labels) on each vessel they assemble with a complete evaporative system.

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- (b) Applicability. These specifications apply to vessels that have been certified to the applicable evaporative emission standards in this Article.
- (c) Certification Label Content and Location.
 - (1) A plastic or metal label must be welded, riveted or otherwise permanently attached by the evaporative system builder to an area on the vessel in such a way that it will be readily visible.
 - (2) The certification label must be installed in a place, and in a way, where the label will remain legible for the life of the Pleasure Craft. The possibility of accidental damage must be considered (e.g. possibility of tools or sharp instruments coming in contact with the label). Each certification label must be affixed in such a manner that it cannot be removed without destroying or defacing the label, and must not be affixed to any engine (or vessel, as applicable) component that is easily detached from the vessel as applicable.
 - (3) The vessel label information must be written in the English language and use block letters and numerals (i.e., sans serif, upper-case characters) that must be of a color that contrasts with the background of the label.
 - (4) The vessel label must contain the following information:
 - (A) The label heading must read: "IMPORTANT EMISSIONS INFORMATION." When combined with an exhaust label, "EMISSIONS" relates to both exhaust and evaporative emissions.
 - (B) The full corporate name or trademark of the evaporative system builder.
 - 1. A manufacturer may request approval to delete its name and trademark, and substitute the name and trademark of another manufacturer, original evaporative system builder, or third-party distributor.
 - 2. Such an approval does not relieve the manufacturer of complying with the requirements imposed by this Article.
 - (C) Identification of the evaporative emission control system. Abbreviations per SAE J1930 dated May 14, 2002, or manufacturers evaporative code as defined in the owners manual are allowed if they are submitted as part of the certification application.

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- (D) The date of vessel manufacture (month and year) for evaporative emission control systems certified by the evaporative system builder.
 - (E) An unconditional statement of compliance with the appropriate model year(s) (for 2012 and subsequent) California regulations; for example, "THIS ENGINE MEETS 2012 CALIFORNIA EVP EMISSION REGULATIONS FOR PLEASURE CRAFT".
- (d) Conformance with Other Requirements. A label may state that the vessel conforms to any applicable Federal, Canadian, or European evaporative emission standards for new vessels; or any other information that the manufacturer deems necessary for or useful to, the proper operation and satisfactory maintenance of the engine.
- (e) Label Visibility. As used in these specifications, readily visible to the average person means that a label is readable from a distance of 46 centimeters (18 inches) without any obstructions from vessels or engine parts (including all original evaporative system builder or engine manufacturer (as applicable)) except for flexible parts (e.g., vacuum hoses, ignition wires) that can be moved out of the way without disconnection. Alternatively, information required by these specifications to be printed on the component, vessels and/or engine (as applicable) must be no smaller than 2 millimeters in height provided that no vessels or engine parts (including all manufacturer available optional vessels), except for flexible parts, obstruct the label(s).
- (f) Label Durability. The labels and any adhesives used must be designed to withstand, for the vessel's useful life, typical vessel environmental conditions in the area where the labels required by this section are attached. Typical vessels environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, water, and ethylene glycol). The evaporative system builder must submit, with its certification application, a statement attesting that its labels comply with these requirements.
- (g) Sample Label Submission. Samples of all actual production labels used within an evaporative family must be submitted to the Executive Officer within thirty days after the start of production. Sample labels are not required for carry over certification unless labels are revised. Engine manufacturers must provide samples of their own applicable production labels, and samples of applicable production labels of the evaporative system builder that are accessible to the engine manufacturers due to any direct market arrangement between such manufacturers.

- (h) The Executive Officer may approve alternate label locations or may, upon request, waive or modify the label content requirements provided that the intent of these specifications is met. Such approval may be conditional upon providing such information in the owner's manual as the Executive Officer deems appropriate.
- (i) Labeling Enforcement. Use of labels that are different from those approved will be grounds for revocation or suspension of the Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2792.2 Defects Warranty Requirements for Pleasure Craft.

- (a) Applicability. This section applies to Pleasure Craft subject to the standards in this Article. The warranty period begins on the date the vessel is delivered to an ultimate purchaser.
- (b) General Evaporative Emissions Warranty Coverage. The Pleasure Craft must be warranted to the ultimate purchaser and any subsequent owner that the evaporative emission control system when installed was:
 - (1) Designed, built, and equipped so as to conform with all applicable regulations; and
 - (2) Free from defects in materials and workmanship that causes the failure of a warranted part for a period of five years.
- (c) The warranty is primarily the responsibility of the EO holder. In the event that the component exhibits a defect in the manufacture or integrity of the component, then the component manufacturer will be responsible for addressing all warranty issues.
- (d) The warranty on evaporative emissions-related parts will be interpreted as follows:
 - (1) Any warranted part that is not scheduled for replacement as required maintenance in the written instructions required by subsection (e) must be warranted for the warranty period defined in subsection (b)(2). If any such part fails during the period of warranty coverage, it must be repaired or replaced by the responsible party (as stated in (c)) issuing the warranty according to subsection (4) below. Any such part repaired or replaced under the warranty must be warranted for a time not less than the remaining warranty period.

- (2) Any warranted part that is scheduled only for regular inspection in the written instructions required by subsection (e) must be warranted for the warranty period defined in subsection (b)(2). A statement in such written instructions to the effect of “repair or replace as necessary” will not reduce the period of warranty coverage. Any such part repaired or replaced under warranty must be warranted for a time not less than the remaining warranty period.
- (3) Any warranted part that is scheduled for replacement as required maintenance in the written instructions required by subsection (e) must be warranted for the period of time prior to the first scheduled replacement point for that part. If the part fails prior to the first scheduled replacement, the part must be repaired or replaced by the responsible party (as stated in (c)) according to subsection (4) below. Any such part repaired or replaced under warranty must be warranted for a time not less than the remainder of the period prior to the first scheduled replacement point for the part.
- (4) Repair or replacement of any warranted part under the warranty provisions of this article must be performed at no charge to the owner at a warranty station.
- (5) Notwithstanding the provisions of subsection (4) above, warranty services or repairs must be provided at distribution centers that are franchised to service the subject vessels.
- (6) The owner must not be charged for diagnostic labor that leads to the determination that a warranted part is in fact defective, provided that such diagnostic work is performed at a warranty station.
- (7) Throughout the evaporative emission control system's warranty period set out in subsection (b)(2), the responsible party (as stated in (c)) issuing the warranty must maintain a supply of warranted parts sufficient to meet the expected demand for such parts.
- (8) Manufacturer approved replacement parts must be used in the performance of any warranty maintenance or repairs and must be provided without charge to the owner. Such use will not reduce the warranty obligations of the responsible party (as stated in (c)) issuing the warranty.
- (9) The use of any add-on or modified parts will be grounds for disallowing a warranty claim made in accordance with this article. The responsible party (as stated in (c)) issuing the warranty will not

be liable under this Article to warrant failures of warranted parts caused by the use of an add-on or modified part.

- (10) The responsible party (as stated in (c)) issuing the warranty must provide any documents that describe that manufacturer's warranty procedures or policies within five working days of request by the Executive Officer.
- (e) A copy of the following evaporative emission warranty parts list must be included with each new vessel subject to this Article, using those portions of the list applicable to the vessel.
- (1) Fuel Tank
 - (2) Fuel Cap
 - (3) Fuel Line
 - (4) Fuel Line Fittings
 - (5) Clamps**
 - (6) Pressure Relief Valves**
 - (7) Control Valves**
 - (8) Control Solenoids**
 - (9) Electronic Controls**
 - (10) Vacuum Control Diaphragms**
 - (11) Control Cables**
 - (12) Control Linkages**
 - (13) Purge Valves
 - (14) Vapor Hoses
 - (15) Liquid/Vapor Separator
 - (16) Carbon Canister
 - (17) Canister Mounting Brackets
 - (18) Carburetor Purge Port Connector
 - (19) All other parts not listed which may affect the evaporative emission control system
- **Note: As they relate to the evaporative emission control system.
- (f) Written instructions for the maintenance and use of the evaporative emissions control system by the owner must be furnished with each new vessel subject to this Article. The instructions must be consistent with this article and applicable regulations contained herein.
- (g) The documents required by subsection (d) must be submitted with the application for evaporative emission control system certification for approval by the Executive Officer. Approval by the Executive Officer of the documents required by subsection (d) is a condition of certification. The Executive Officer will approve or disapprove the documents required by subsection (d) within 90 days of the date such documents are received.

- (h) The application for evaporative emission control system certification must also include a statement regarding the maintenance of the evaporative emission control system. The statement must include, but not be limited to, information on evaporative emission control system maintenance, and a maintenance schedule.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2792.3 Evaporative Emission Control Warranty Statement.

- (a) Any application for an evaporative emission control system certification must include a copy of the following statement:

**CALIFORNIA EVAPORATIVE EMISSION CONTROL
WARRANTY STATEMENT
YOUR WARRANTY RIGHTS AND OBLIGATIONS**

The California Air Resources Board (and manufacturer's name, optional) is pleased to explain the evaporative emission control system's warranty on your (year(s)) (vessel type). In California, new Pleasure Craft must be designed, built, and equipped to meet the State's stringent anti-smog standards. (Manufacturer's name) must warrant the evaporative emission control system on your (vessel type) for the period listed below provided there has been no abuse, neglect or improper maintenance of your vessel.

Your evaporative emission control system may include parts such as: carburetors, fuel tanks, fuel lines, fuel caps, valves, canisters, filters, vapor hoses, clamps, connectors, and other associated components.

A combined exhaust and evaporative warranty statement is acceptable. For combined warranty statements, "evaporative emission" can be replaced with "emissions" where "emissions" is understood to mean both exhaust and evaporative emissions.

MANUFACTURER'S WARRANTY COVERAGE:

This evaporative emission control system is warranted for five years. If any evaporative emission-related part on your vessel is defective, the part will be repaired or replaced by (manufacturer's name).

OWNER'S WARRANTY RESPONSIBILITIES:

- As the (vessel type) owner, you are responsible for performance of the required maintenance listed in your owner's manual. (Manufacturer's name) recommends that you retain all receipts covering maintenance on your (vessel type), but (manufacturer's name) cannot deny warranty solely for the lack of receipts.

- As the (vessel type) owner, you should however be aware that the (manufacturer's name) may deny you warranty coverage if your (vessel type) or a part has failed due to abuse, neglect, or improper maintenance or unapproved modifications.
- You are responsible for presenting your (vessel type) to a (manufacturer's name) distribution center or service center as soon as the problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days. If you have a question regarding your warranty coverage, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXX-XXXX.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2792.4 Emission-Related Defect Reporting Requirements.

- (a) Applicability. This section applies to 2012 model year and subsequent Pleasure Craft. The requirement to report evaporative emission-related defects affecting a given family of Pleasure Craft will remain applicable for five years from the end of the calendar year in which such vessels were manufactured.
- (b) A evaporative system builder or component manufacturer must file a defect information report whenever, on the basis of data obtained within five years subsequent to the effective date of Pleasure Craft manufacture:
 - (1) The evaporative system builder or component manufacturer determines, in accordance with procedures established by the evaporative system builder or component manufacturer to identify either safety-related or performance defects, that a specific evaporative emission-related defect exists; and
 - (2) A specific evaporative emission-related defect exists in 10 or more tanks, vessels of a given evaporative family manufactured in the same Executive Order or model year.
- (c) No report must be filed under this section for any evaporative emission-related defect corrected prior to the sale of the affected vessels to ultimate purchasers.
- (d) The evaporative system builder must submit defect information reports to Chief, Mobile Source Operations Division, Air Resources Board, 9528 Telstar, El Monte, CA 91731, not more than 15 working days after an emission-related defect is found. Required information that is either not

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available within 15 working days or is significantly revised must be submitted to the Executive Officer as it becomes available.

- (e) Each defect report must contain the following information:
- (1) The corporate name of the evaporative system builder.
 - (2) A description of the defect.
 - (3) A description of each class, family, or category of Pleasure Craft potentially affected by the defect including make, model, model year, calendar year produced, and any other information required to identify the engines affected.
 - (4) For each class or category of vessels described in response to subsection (d) of this section, the following must also be provided:
 - (A) The number of vessels known or estimated to have the defect and an explanation of the means by which this number was determined.
 - (B) The address of the plant(s) at which the potentially defective vessels were produced.
 - (5) An evaluation of the evaporative emissions impact from the defect and a description of any operational problems that a defective vessel might exhibit.
 - (6) Available evaporative emission data that relate to the defect.
 - (7) An indication of any anticipated manufacturer follow-up.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793. New Evaporative Emission Component Compliance Testing.

- (a) Compliance Test Procedures.
- (1) The Executive Officer may, with respect to any new Pleasure Craft being sold, offered for sale, or manufactured for sale in California, order a component manufacturer to make available for compliance testing and/or inspection five evaporative emission components. Unless otherwise directed by the Executive Officer, the Pleasure Craft evaporative emission component shall be delivered to the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California.

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Evaporative emission components must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer (See paragraph (a)(5)) , which, insofar as practical, must exclude Pleasure Craft evaporative emission components that would result in an unreasonable disruption of the manufacturer's distribution system.

- (2) Air Resources Board personnel shall have access to evaporative emission component assembly plants, or distribution facilities for the purposes of evaporative emission component selection and testing. Scheduling of access shall be arranged with the representative designated in the application for certification.
- (3) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by ARB. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on evaporative emission component units chosen for compliance testing without the written consent of the Executive Officer.

If the Executive Officer consents to break-on or modifications, adjustments, or special preparation or maintenance, they will be performed by the evaporative emission component manufacturer under the supervision of ARB personnel.

- (4) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the evaporative emission component is permitted only after an initial test of the component. The component manufacturer may request that the evaporative emission component be repaired from shipping damage, and be retested. If the Executive Officer concurs, the evaporative emission component may be retested, and the original test results may be replaced by the after-repair test results
- (5) Five evaporative emission components must be randomly chosen from the selected evaporative family according to the criteria specified herein. The evaporative emission component must be representative of the component manufacturer's California sales. Each evaporative emission component will be selected from the end of the assembly line. All evaporative emission component models must be included in the sample pool. Each selected evaporative emission component must pass the inspection test, by being equipped with the appropriate emission control systems certified by the ARB.

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- (6) Five evaporative emission components will be selected for testing per the applicable test procedure as indicated in section 2791.5. The evaporative family will be deemed to have passed the compliance testing if all test result are equal or below the applicable standard. The evaporative family or subgroup will be deemed to have failed the compliance testing if one or more of the test results are above the applicable standard and the upper 95% confidence limit of the five samples is greater than 110% of the applicable performance standards specified in section 2791 per the following table

Test Category	“Pass” If “U” is less than or equal to	“Fail” If “U” is greater than
1 st and Subsequent Years of evaporative family	1.1*Applicable Standard	1.1*Applicable Standard

Where:

$$U = \bar{x} + 2.776 * \frac{s}{\sqrt{n}}$$

$$\bar{x} = \frac{\sum_{i=1}^n \text{sample}_i}{n}$$

$$s = \sqrt{\frac{\sum_{i=1}^n (x_i - \bar{x})^2}{n - 1}}$$

$$n = 5$$

- (7) If any evaporative emission component selected for inspection fails an evaporative emission test as determined by subsection (a)(6), or fails to conform to the labeling requirements of section 2792, the Executive Officer shall notify the manufacturer in accordance with subsection (b).

(b) Notification of Failure

If compliance testing identifies evaporative emission components that do not meet the standards set out in (a)(6) above, the Executive Officer will notify the Holder of the Executive Order covering the evaporative emission component. The Executive Officer shall also notify such Holder that the Executive Order may be suspended or revoked. The Holder of the Executive Order shall have 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for five randomly selected. The evaporative emission component will be redeemed to have passed the

compliance testing, if the upper 95% confidence limit of the five samples is equal or less than 110% of the applicable performance standards specified in (a)(6).

The Executive Officer will consider all relevant information provided by the manufacturer, and other interested parties, including, but not limited to corrective actions.

(c) Suspension and Revocation of Executive Orders.

- (1) The Executive Officer shall not revoke or suspend the Executive Order of Certification, without considering any information provided by the holder of such certification pursuant to (b) above.
- (2) If the results of the compliance testing indicate that the failed evaporative emission component are produced at one plant, the Executive Officer may elect to suspend the Executive Order with respect to that evaporative emission component manufactured at that plant.
- (3) Notwithstanding the foregoing, the Executive Officer may suspend an Executive Order, in whole or in part, effective upon written notice to the Holder if the Executive Officer finds that:
 - (A) The Holder of the Executive Order has refused to comply with any of the requirements of this section; or
 - (B) The Holder has submitted false or incomplete information in any report or information provided to the Executive Officer under this section;
 - (C) The Holder has rendered inaccurate any test data submitted under this section;
 - (D) That ARB personnel have been denied the opportunity to conduct activities authorized under this section after a warrant or court order is presented to the Holder;
 - (E) That ARB personnel were unable to conduct activities authorized in this Article because the facility is located in a foreign jurisdiction where local law prohibits those activities.
- (4) The Executive Officer may revoke an Executive Order for an evaporative emission component after the Executive Order has been suspended pursuant to subsection (1) or (2) of this section if the proposed remedy for the nonconformity, as reported by the Holder to the Executive Officer, is one requiring a design change or changes to

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the evaporative emission control system as described in the application for certification of the affected evaporative family.

- (5) Once an Executive Order for a failed evaporative family has been suspended pursuant to subsection (1), (2) or (3) of this section, the Holder must take the following actions before the Executive Officer will consider reinstating the Executive Order:
 - (A) Submit a written report to the Executive Officer that identifies the reason for the noncompliance of the evaporative emission component, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the Holder to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and
 - (B) Demonstrate that the Executive Order has been suspended does in fact comply with the regulations of this part by testing no fewer than five evaporative emission components. The results must meet the "Pass" criteria in subsection (a)(6). Such testing must comply with the provisions of this section.
- (6) Once the Executive Order has been revoked, if the Holder desires to continue introduction into commerce of a modified version, the Holder must :

After implementing the change or changes intended to remedy the nonconformity, demonstrate that the evaporative emission component does in fact conform to the applicable standards of this Article by having five evaporative emission components tested following the applicable test procedure indicated in section 2791.5, unless such testing is waived by the Executive Officer.
- (7) To permit a Holder to avoid storing non-test evaporative emission components while conducting subsequent testing of the noncomplying evaporative family, a Holder may request that the Executive Officer conditionally reinstate the Executive Order.

(d) Inspection

The Executive Officer, or an authorized representative of the Executive Officer, may periodically inspect any facility which manufacturers equipment, manufacturers engines, or manufacturers evaporative emission control components, technology, or systems subject to this Article as deemed necessary to ensure compliance with these regulations. Failure of a manufacturer, distributor, or retailer or other person subject to this Article to allow access for

inspection purposes shall be grounds for suspension or revocation of an Executive Order.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793.1 New Vessel Compliance Testing.

(b) Compliance Test Procedures.

- (2) The Executive Officer may, with respect to any new Pleasure Craft evaporative family being sold, offered for sale, or manufactured for sale in California, order a Pleasure Craft manufacturer or evaporative system builder to make available for compliance testing and/or inspection one Pleasure Craft. Unless otherwise directed by the Executive Officer, the Pleasure Craft shall be delivered to the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California. Pleasure Craft must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer (See paragraph (a)(5)), which, insofar as practical, must exclude Pleasure Craft that would result in an unreasonable disruption of the manufacturer's distribution system.
- (8) Air Resources Board personnel shall have access to Pleasure Craft assembly plants, or distribution facilities for the purposes of Pleasure Craft selection and testing. Scheduling of access shall be arranged with the representative designated in the application for certification.
- (9) All testing must be conducted in accordance with the applicable model year evaporative emission test procedures. Any evaporative emission control system parameters must be set to values or positions that are within the range available to the ultimate purchaser as determined by ARB. No break-in or modifications, adjustments, or special preparation or maintenance will be allowed on Pleasure Craft units chosen for compliance testing without the written consent of the Executive Officer.

If the Executive Officer consents to break-on or modifications, adjustments, or special preparation or maintenance, they will be performed by the Pleasure Craft manufacturer under the supervision of ARB personnel.

- (10) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the Pleasure Craft is

permitted only after an initial test of the Pleasure Craft. The Pleasure Craft manufacturer may request that the Pleasure Craft be repaired from shipping damage, and be retested. If the Executive Officer concurs, the Pleasure Craft may be retested, and the original test results may be replaced by the after-repair test results.

- (11) One Pleasure Craft must be randomly chosen from the selected evaporative family according to the criteria specified herein. The Pleasure Craft must be representative of the Pleasure Craft manufacturer's California sales. The Pleasure Craft will be selected from the end of the assembly line. The selected Pleasure Craft must pass the inspection test, by being equipped with the appropriate emission control systems as documented in the approved Executive Order of Certification for the evaporative family.
 - (12) One Pleasure Craft from the requested evaporative family will be selected for testing per the applicable test procedure (TP-1501). The evaporative family will be deemed to have passed the compliance testing if all test result are equal or below the applicable standard. The evaporative family or subgroup will be deemed to have failed the compliance testing if the test result is above the applicable standard.
 - (13) If the Pleasure Craft unit selected for inspection fails an evaporative emission test as determined by subsection (a)(6), or fails to conform to the labeling requirements of section 2792 and 2792.1, the Executive Officer shall notify the manufacturer in accordance with subsection (b).
- (b) Notification of Failure

If compliance testing identifies Pleasure Craft units that do not meet the standards set out in (a)(6) above, the Executive Officer will notify the EO holder covering the Pleasure Craft. The Executive Officer shall also notify such EO holder that the Executive Order of Certification may be suspended or revoked. The EO holder shall have 30 calendar days in which to notify the Executive Officer of their intent to provide additional information and/or independent test results for a randomly selected Pleasure Craft that document compliance of the evaporative family. The evaporative family will be redeemed to have passed the compliance testing, if it meets the applicable performance standards specified in (a)(6).

The Executive Officer will consider all relevant information provided by the manufacturer, and other interested parties, including, but not limited to corrective actions applied to the noncompliant evaporative family.

- (e) Suspension and Revocation of Executive Orders.
- (1) The Executive Officer shall not revoke or suspend the Executive Order of Certification, without considering any information provided by the EO holder of such certification pursuant to (b) above.
 - (2) If the results of the compliance testing indicate that the failed Pleasure Craft of a particular evaporative family are produced at one plant, the Executive Officer may elect to suspend the Executive Order of Certification with respect to that Pleasure Craft manufactured at that plant.
 - (3) Notwithstanding the foregoing, the Executive Officer may suspend an Executive Order of Certification, in whole or in part, effective upon written notice to the EO holder if the Executive Officer finds that:
 - (F) The EO holder has refused to comply with any of the requirements of this section; or
 - (G) The EO holder has submitted false or incomplete information in any report or information provided to the Executive Officer under this section;
 - (H) The EO holder has rendered inaccurate any test data submitted under this section;
 - (I) That ARB personnel have been denied the opportunity to conduct activities authorized under this section after a warrant or court order is presented to the EO holder;
 - (J) That ARB personnel were unable to conduct activities authorized in this Article because the facility is located in a foreign jurisdiction where local law prohibits those activities.
 - (4) The Executive Officer may revoke an Executive Order of Certification for an evaporative family after the Executive Order of Certification has been suspended pursuant to subsection (1) or (2) of this section if the proposed remedy for the nonconformity, as reported by the EO holder to the Executive Officer, is one requiring a design change or changes to the evaporative emission control system as described in the application for certification of the affected evaporative family.

(5) Once an Executive Order of Certification for a failed evaporative family has been suspended pursuant to subsection (1), (2) or (3) of this section, the EO holder must take the following actions before the Executive Officer will consider reinstating the Executive Order of Certification:

(C) Submit a written report to the Executive Officer that identifies the reason for the noncompliance of the Pleasure Craft, describes the proposed remedy, including a description of any proposed quality control and/or quality assurance measures to be taken by the EO holder to prevent future occurrences of the problem, and states the date on which the remedies will be implemented; and

(D) Demonstrate that the evaporative family for which the Executive Order of Certification has been suspended does in fact comply with the regulations of this part by testing a Pleasure Craft. The results must meet the "Pass" criteria in subsection (a)(6). Such testing must comply with the provisions of this section.

(6) Once the Executive Order of Certification has been revoked for an evaporative family, if the EO holder desires to continue introduction into commerce of a modified version of that evaporative family, then the EO holder must :

After implementing the change or changes intended to remedy the nonconformity, demonstrate that the modified evaporative family does in fact conform to the applicable standards of this Article by having five Pleasure Craft units from the modified evaporative family tested following TP-1501, unless such testing is waived by the Executive Officer.

(7) To permit an EO holder to avoid storing non-test Pleasure Craft while conducting subsequent testing of the noncomplying evaporative family, an EO holder may request that the Executive Officer conditionally reinstate the Executive Order of Certification for that evaporative family.

(f) Inspection

The Executive Officer, or an authorized representative of the Executive Officer, may periodically inspect any facility which manufacturers vessels, manufacturers engines, or manufacturers evaporative emission control components, technology, or systems subject to this Article as deemed necessary to ensure compliance with these regulations. Failure of a

manufacturer, distributor, or retailer or other person subject to this Article to allow access for inspection purposes shall be grounds for suspension or revocation of an Executive Order of Certification.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793.2 Variances

- (a) Any manufacturer of Pleasure Craft vessels or engines subject to this Article that cannot meet the requirements set forth in section 2791.1 of this Article, due to extraordinary reasons beyond the manufacturer's reasonable control, may apply in writing for a variance. The variance application must set forth:
 - (1) The provisions of the regulations for which a variance is sought;
 - (2) the specific grounds upon which the variance is sought;
 - (3) the proposed date(s) by which compliance will be achieved; and
 - (4) a compliance plan detailing the method(s) in which compliance will be achieved.

- (b) Within 75 calendar days of receipt of a variance application containing the information required in subsection (a), the Executive Officer or his/her nominee must hold a public hearing to determine whether, under what conditions, and to what extent, a variance is necessary and should be allowed. Notice of the time and place of the hearing must be sent to the applicant by certified mail not less than 30 days before the hearing. Notice of the hearing must also be submitted for publication in the California Regulatory Notice Register and sent to every person who requests such a notice, not less than 45 days before the hearing. The notice must state that all parties may, but do not need to be, represented by counsel at the hearing. At least 30 days before the hearing, the variance application must be made available to the public for inspection. Interested members of the public must be allowed a reasonable opportunity to testify at the hearing and their testimony must be considered.

- (c) No variance may be granted unless all of the following findings are made:
 - (1) that, due to reasons beyond the reasonable control of the applicant, compliance would result in extraordinary economic hardship;

- (2) that the public interest in mitigating the extraordinary hardship to the applicant by issuing the variance outweighs the public interest in avoiding any increased emissions of air contaminants that would result from issuing the variance;
 - (3) that the compliance plan proposed by the applicant can reasonably be implemented, and will achieve compliance as expeditiously as possible; and
 - (4) that the applicant has mitigated the noncompliance to the maximum extent feasible.
- (c) Any variance order must specify a final date by which compliance will be achieved. Any variance order must contain a condition that specifies increments of progress necessary to assure timely compliance, and such other conditions that the Executive Officer, in consideration of the testimony received at the hearing, finds necessary to carry out the purposes of Division 26 of the Health and Safety Code.
- (d) A variance will cease to be effective upon failure of the party to whom the variance was granted to comply with any term of condition of the variance.
- (e) Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from requirements of section 2791.1 after holding a public hearing in accordance to the provisions in subsection (b).
- (f) A variance will not be granted for more than one full model year after the year such variance is granted.

§2793.3 Denial, Suspension or Revocation of Certification.

- (a) The Executive Officer for just cause may deny, suspend or revoke an Executive Order of Certification in any of the following circumstances:
- (1) An applicant or EO holder has materially misrepresented the meaning, findings, effect or any other material aspect of the certification application, including submitting false or incomplete information in its application for certification regardless of the applicant's personal knowledge of the falsity or incompleteness of the information;
 - (2) An applicant or EO holder that uses a label other than the approved label on any vessel, or the label used otherwise fails to comply with the requirements of this Article.

- (3) An applicant or EO holder may be denied certification or be subject to a suspension or revocation action pursuant to this section based upon the actions of an agent, employee, licensee, or other authorized representative.
- (4) Pursuant to section 2793(d) above.
- (c) The Executive Officer must notify the applicant or EO holder by certified mail of any action taken by the Executive Officer to deny, suspend or revoke any certification granted under this Article. The notice must set forth the reasons for and evidence supporting the action(s) taken. A suspension or revocation is effective upon receipt of the notification.
- (d) An EO holder may request that the suspension or revocation be stayed pending a hearing under section 2793.3. In determining whether to grant the stay, the Executive Officer must consider the harm the EO holder will likely suffer if the stay is not granted. The Executive Officer must deny the stay if the adverse effects of the stay on the public health, safety, and welfare outweigh the harm to the EO holder if the stay is not granted.
- (e) Once an Executive Order of Certification has been suspended pursuant to (a) above, the EO holder must satisfy and correct all noted reasons for the suspension and submit a written report to the Executive Officer advising him or her of all such steps taken by the EO holder before the Executive Officer will consider reinstating the Executive Order of Certification.
- (f) Nothing in this section will prohibit the Executive Officer from taking any other action provided for by law for violations of the Health and Safety Code.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793.4 Appeals.

Any person whose application for Executive Order of Certification has been denied, or whose certification has been suspended or revoked may request a hearing to review the action. Any such request must be made within 15 working days of the date the action for which review is sought became final.

- (a) Hearing Procedure.

Except as provided for in subsection (b) below, any appeal pursuant to this section must be conducted in accordance with the Administrative Hearing Procedures for Petitions for Review of Executive Officer

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Decisions, title 17, California Code of Regulations, Division 3. Chapter 1 Article 2, commencing with section 60055.1.

- (b) Review by written submission.
- (1) In lieu of the hearing procedure set forth in (a) above, a manufacturer may request that a review of the Executive Officer's decision be conducted by a hearing officer solely by written submission.
 - (2) A manufacturer may request a review of the Executive Officer's decision to deny, suspend or revoke a certification no later than 20 days from the date of issuance of the notice of the denial, suspension, or revocation. Such request must include, at a minimum, the following:
 - (A) name of the manufacturer, the name, address and telephone number of the person representing the manufacturer and a statement signed by a senior officer of the manufacturer warranting that the representative has full authority to bind the manufacturer as to all matters regarding the appeal;
 - (B) copy of the Executive Order granting certification and the written notification of denial;
 - (C) a statement of facts and explanation of the issues to be raised setting forth the basis for challenging the denial, suspension, or revocation (conclusory allegations will not suffice) together with all documents relevant to those issues; and
 - (D) the signature of the representative named in (A) above.
 - (3) Upon receipt of a request for review, the request must be referred to the administrative hearing office of the state board for assignment of a hearing officer.
 - (4) Within 15 days of appointment of a hearing officer ARB staff must submit a written response to the manufacturer's submission and documents in support of the Executive Officer's action no later than 10 days after receipt of the manufacturer's submission;
 - (5) within 7 days of receipt of the ARB response, the manufacturer may submit one rebuttal statement which must be limited to the issues raised in the ARB rebuttal;

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- (6) if the manufacturer submits a rebuttal, ARB staff may, within 7 days of receipt of the manufacturer's rebuttal, submit one rebuttal statement which must be limited to the issues raised in the manufacturer's rebuttal; and
- (7) the hearing officer must receive all statements and documents and render a written decision. The hearing officer's decision must be mailed to the manufacturer no later than 60 working days after the final deadline for submission of papers.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793.5 Penalties.

In addition to suspension or revocation of an Executive Order of Certification as provided in this Article, the Executive Officer may seek civil or criminal penalties as provided for by law and/or such equitable relief deemed appropriate by the Executive Officer for any violation of these regulations. Such penalties apply on a per vessel unit basis. Each day in which there is a violation is a separate violation.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2793.6 Severability.

Each part of this article is severable, and in the event that any part of this article is held to be invalid, the remainder of this article remains in full force and effect.

NOTE: Authority cited: Sections 39600, 39601, and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.