

-DRAFT-

5/23/2014

DRAFT 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 Spark-Ignition Marine ~~Vessels~~ Watercraft with Gasoline Fueled Engines

§2850 Purpose.

The purpose of this Article is to reduce evaporative emissions from spark-ignition marine engines and ~~vessels~~watercraft.

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

§2851 Applicability.

(a) This Article applies to any person who manufactures, advertises for sale, offers for sale, or sells, ~~supplies, offers for sale, advertises or manufacturers~~ spark-ignition marine ~~vessels~~watercraft and/or any of its evaporative components for sale or use in California.

(b) This Article ~~does~~ shall not apply to:

(1) ~~S~~spark-ignition marine ~~vessels~~watercraft that use portable marine fuel tanks, ~~or~~ compression-ignition engines, or spark-ignition marine engines or ~~vessels~~watercraft powered with compressed natural gas (CNG), propane, liquefied petroleum gas (LPG), or liquefied natural gas (LNG).

(2) Spark-ignition marine watercraft used in off-road military tactical vehicles or equipment which have been exempted from regulations under the federal national security exemption, Title 40 Code of Federal Regulations (CFR), subpart J, section 90.908, which is incorporated by reference herein. It shall also not apply to those vehicles and equipment covered by the definition of military tactical vehicle that are commercially available and for which a federal certificate of conformity has been issued under 40 CFR Part 91, subpart B, which is incorporated by reference herein.

(1) Spark-ignition marine watercraft produced by the manufacturer to be used solely for competition provided that the marine watercraft in which the watercraft is installed is designed, built, and used solely for competition. Marine watercraft not registered with a nationally-recognized organization

-DRAFT-

5/23/2014

that sanctions professional competitive events or used for amateur or occasional competition do not meet the competition exemption criteria

(3)

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

§2852 Prohibitions.

- (a) No person may manufacture for sale, advertise for sale, sell or offer s for sale in California, or introduce, deliver, or import into California spark-ignition marine ~~vessels~~watercraft and/or its evaporative components that is subject to any of the applicable standards and procedures in section 2854 or section 2855 ~~and the procedures in section 2469~~ if the watercraft or component is:
- (1) Not certified under section 2856 as applicable; or
- (2) The marine watercraft and/or evaporative component for marine watercraft are certified under section 2856, as applicable, but is not in compliance conformity as determined through thewith applicable performance or design standards.
- ~~(b) — No person may advertise for sale, offer or sell in California, or introduce, deliver, or import into California spark-ignition marine watercraft and/or evaporative components for marine watercraft as being certified when in fact such watercraft or component is not in conformity of the Executive Order. Every spark-ignition marine vessel and/or its evaporative components identified in (a) is a separate violation of this Article.~~
- ~~(c)(b)~~
- ~~(d) — The manufacturer of a spark-ignition marine vessel and/or its components that fails to meet one or more of the requirements in section 2859 or section 2860 is subject to a separate violation of this Article for each failing unit produced.~~

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

§2853 Definitions.

- (a) The definitions in section 2235, Chapter 4.4; section 1900(b), Chapter 1; section 2441(a), Chapter 9; and section 2752, Chapter 15, Division 3, Title 13 of the California Code of Regulations (CCR) and Title 40 Code of Federal Regulations (CFR), Part 1060, section 1060.801 (adopted, October 8, 2008), and Part 1045, section 1045.801 (adopted, October 8, 2008) apply to this Article with the following additions:

**-DRAFT-
5/23/2014**

- (1) — “Common Sizes” refers to the common sizes of fuel line **used installed in the by boats as a fuel line.** These fuel line sizes are 1/4 inch, 5/16 inch, 3/8 inch, and 1/2 inch diameters.
- (2) “Component EO Holder” means any person or persons who **obtain(s) were issued** an evaporative emission component Executive Order.

~~(3) — “Flexible” means a fuel hose that meets the requirements of the kink resistance test procedure~~

~~(3) — “Flexible” means a fuel hose that meets the requirements of the kink resistance test procedure as specified in SAE J30 (Revised Date: December 2008), as incorporated by reference herein.~~

- ~~(4) — “Interim E10 CERT fuel” refers to the specification of the certification fuel below:~~

Fuel Property	Limit	Test Method
Octane (R+M)/2 (min)	91	D2699-88, D 2700-88
Sensitivity (min)	7.5	D 2699-88, D 2700-88
Lead, g/gal (max) (No lead added)	0-0.01	Title 13 CCR §2253.4(c)
Distillation Range-°F 50 pct. point 90 pct. point	2 0 5 2 4 5 2 4 0 1 2 2 0	Title 13 CCR §2263
EP, maximum	390	
Residue, vol% (max)	2.0	
Sulfur, ppm by wt	8-11	Title 13 CCR §2263
Phosphorous, g/gal (max)	0.005	Title 13 CCR §2253.4(c)
RVP, psi	6.9-	Title 13 CCR

**-DRAFT-
5/23/2014**

	7 - 2	§2263
Olefins, vol%	4.0- 6 - 0	Title 13 CCR §2263
Total Aromatic Hydrocarbons, vol%	20-22	Title 13 CCR §2263
Benzene, vol%	0.6- 0 - 8	Title 13 CCR §2263
Methyl tertiary-butyl ether, vol % (max)	0.05	Title 13 CCR §2263
Ethanol, vol %	9.8- 4 - 0 - 0	
Additives: Sufficient to meet requirements of Title 13, CCR §2257		
Copper Corrosion	No. 1	D-130-88
Gum, Washed, mg/100 ml (max)	3.0	D-381-86
Oxidation Stability, minutes (min)	1000	D-525-88
Specific Gravity	Report	
Heat of Combustion	Report	
Carbon, wt%	Report	
Hydrogen, wt%	Report	

(53) —“E10 CERT fuel” means interim E10 CERT fuel until no earlier than one year from the adoption date of California certification gasoline as specified in “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles” Section II.A.100.3.1.2 as adopted March 22, 2012, as incorporated by reference herein. California Phase 3 E10 certification fuel.

(64) “EO Holder” means any person or persons who obtain(s) an Executive Order of Certification for a complete evaporative system.

-DRAFT-

5/23/2014

- (75) –“Evaporative Family” means a class of components or spark-ignition marine ~~vessels~~watercraft that are grouped together based on similar fuel system characteristics as they relate to evaporative emissions.
- (86) “Evaporative System Builder” refers to any business, company, or manufacturer that installs or mounts a complete evaporative system on a spark-ignition marine ~~vessel~~watercraft; this includes (but is not limited to) dealers, spark-ignition marine ~~vessel~~watercraft manufacturers, and engine manufacturers.
- (97) —“Executive Order of Certification” refers to an Executive Order issued for the complete evaporative system. —
- (8) “Flexible” means a fuel hose that meets the requirements of the kink resistance test procedure as specified in SAE J30 (Revised Date: December 2008), as incorporated by reference herein.
- (409) –“Fuel Hose” is defined as the length of fuel line connecting the fuel tank to the first attachment point on each engine as indicated by the engine manufacturer.
- (4110) “Fuel Injection” is defined as any mechanical or electrical fuel system in which pressurized fuel is sprayed or injected, only when the engine is running, into the intake system of an internal combustion engine.
- (4211) “Made Available in California” is defined as being any of the following:
- (A) 1- Manufactured to be sold or leased, for use or operation in California; or
 - (B) 2- Sold, leased, registered, or offered for sale or lease for use or operation in California; or
 - (C) 3- Delivered or imported into California for introduction into commerce in California. —
- (4312) “Spark-ignition Marine ~~Vessel~~Watercraft” refers to all marine ~~vessels~~watercraft designed to use gasoline-fueled, spark-ignition marine engines with installed fuel tanks; this includes (but is not limited to) personal watercraft; and marine vesselswatercraft equipped with outboard or inboard engines.
- (4413) —“Trailerable” means any ~~vessel~~watercraft that is less than or equal to 26 feet in length and less than or equal to 8.5 feet in width.
- (4514) “Under Cowl Fuel Lines” refers to a fuel line that is entirely contained within the cowl of an outboard engine.

-DRAFT-

5/23/2014

(15) "Watercraft or marine watercraft" refers to spark-ignition marine watercraft throughout this Article.

- (b) In the event of contradictory definitions, ARB definitions always take precedent over U.S. EPA definitions and the regulation definitions take precedent over test procedure definitions.

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

DRAFT

§2854 Spark-Ignition Marine ~~Vessel~~Watercraft Standards for ≤ 30 kW Engines.

- (a) For MY ~~2012-2018~~ and later, spark-ignition marine vesselswatercraft using less than or equal to ≤ 30 kW engines must comply with the evaporative emission standards and test procedures in CFR title 40, part 1060 (Adopted date: October 8, 2008) as incorporated by reference herein.

All spark-ignition marine ~~vessel~~watercraft evaporative emission components must be compatible with applicable California fuels and properly installed, by the evaporative system builder, for use in spark-ignition marine ~~vessels~~watercraft prior to being made available in California.

Table 1
Evaporative Emission Harmonized Design Standards for ≤ 30 kW ~~Vessels~~
Spark-Ignition Marine Watercraft

Model Year Effective Date	Fuel Hose Permeation (grams/m ² /day ROG ¹)	Fuel Tank Permeation (grams/m ² /day ROG ¹)	Diurnal Requirement (grams/gallon/day HC ¹)	Fuel Injection or Equivalent (grams HC ¹ /hour)
2012 and later	15.0	1.5 ²	0.4	None
Test Procedure	40 CFR §1060.515	40 CFR §1060.520	40 CFR §1060.525	None

¹ - Hydrocarbon (HC) and Reactive Organic Gases (ROG)

² - As an alternative, manufacturers can certify at 2.5 grams/m²/day at 40°C.

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

§2855 Spark-Ignition Marine ~~Vessel~~Watercraft Standards for > 30 kW Engines.

- (a) ~~For MY 2018 and later, — For MY 2012-2013, vessels designed to use > 30 kW engines must comply with the evaporative emission standards and test procedures in CFR title 40, part 1060 as incorporated by reference.~~

~~For MY 2014 and later, vesselsmarine watercraft designed to useusing greater than> 30 kW engines must comply with the evaporative emission standards, test procedures, and test fuels as specified below in Table 1 for trailerable ~~vessels~~watercraft and Table 2 for nontrailerable ~~vessels~~watercraft. Table 3 ~~below~~ specifies an alternative evaporative emission performance standard for watercraft using all-greater than> 30 kW ~~vessels~~engines.~~

-DRAFT-

5/23/2014

All spark-ignition marine ~~vessel~~watercraft fuel and evaporative emission components must be compatible with applicable California fuels and properly installed, by the evaporative system builder, for use in spark-ignition marine ~~vessels~~watercraft prior to being made available in California.

DRAFT

-DRAFT-

5/23/2014

Table 1

Evaporative Emission Design Standards for Trailerable > 30 kW

Spark-Ignition Marine Vessels/Watercraft

Model Year Effective Date	Fuel Hose Permeation ² (grams/m ² /day ROG ¹)	Fuel Tank Permeation (grams/m ² /day ROG ¹)	Diurnal Requirement (grams/gallon/day HC ¹)		Meets Fuel Injection Definition or Equivalent Performance Standard (grams HC ¹ /hour)
			<u>Canister</u>	<u>Non-Canister³</u>	
2012 and 2013	15.0	1.5	0.40		None
Test Procedure	40 CFR §1060.515 or SAE J1737	40 CFR §1060.520	40 CFR §1060.525		None
2014 and 2015	10.0 ⁴	0.70	0.25	65% reduction from uncontrolled HC emissions	0.4
2016 and Later	5.0 ^{4,5}	0.70	0.25	65% reduction from uncontrolled HC emissions	0.4
Test Procedure	TP-1504⁶ or SAE J1737⁶	TP-1504⁶	TP-1503^{7,9}		TP-1502⁷

Table 2

Evaporative Emission Design Standards for Nontrailerable > 30 kW

Spark-Ignition Marine Watercraft/Vessels

Model Year Effective Date	Fuel Hose Permeation ² (grams/m ² /day ROG ¹)	Fuel Tank Permeation (grams/m ² /day ROG ¹)	Diurnal Requirement (grams/gallon/day HC ¹)	Meets Fuel Injection Definition or Equivalent Performance Standard (grams HC ¹ /hour)
Test Procedure	40 CFR §1060.515 or SAE J1737	40 CFR §1060.520	40 CFR §1060.525	None
2014 and 2015	10.0 ⁴	0.70	0.16	0.4
2016 and Later	5.0 ^{4,5}	0.70	0.16	0.4

**-DRAFT-
5/23/2014**

Test Procedure	TP-1504 ⁶ or SAE J1737 ⁶	TP-1504 ⁶	TP-1503 ^{8,9}	TP-1502 ⁷
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**Table 3
Alternative Evaporative Emission Performance Standards for > 30 kW ~~Vessels~~
Spark-Ignition Marine Watercraft**

Model Year Effective Date	Marine Vessel <u>Watercraft</u> Type	Diurnal Standard (grams HC ¹ /day)
201 8 <u>4</u> and <u>L</u> ater	All Marine Vessels <u>Watercraft</u> With Engines > 30 kW	0.048 * <u>Nominal</u> Tank Volume (liters) + 0.97
	Test Procedure	TP-1501 ⁷

Notes

¹ Hydrocarbon (HC) and Reactive Organic Gas (ROG).

² The following fuel hose standards also apply to auxiliary engines on ~~vessels~~watercraft ~~designed for using~~ > 30 kW engines. The fuel hose permeation standards do not apply to under the cowl fuel lines. As an alternative to 40 CFR Part 1060.515 manufacturers can test according to SAE J1737, Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation (Revision: November 2004).

³ For non-canister vented systems, a venting control efficiency standard of 65% must be met. To determine the venting control efficiency, a venting control test must be performed according to 40 CFR 1060.525 (or TP-1503, if applicable) with E10 CERT fuel and then compared against an identical uncontrolled venting test. Alternatively, an estimated uncontrolled venting value can be calculated using the fuel tank vapor generation equation (6) in SAE Technical Paper 892089, Prediction of Fuel Vapor Generation From a Vehicle Fuel Tank as a Function of Fuel RVP and Temperature (Reddy, 1989).

⁴ Starting ~~MY2014~~MY2018 and thereafter, if the Executive Officer determines that all of the following criteria are met:

1. that a 5.0 g/m²/day fuel hose has been certified and
2. that a certified 5.0 g/m²/day fuel hose is commercially available in common sizes.

If the above criteria are met, then the fuel hose permeation standard will change to 5.0 g/m²/day, effective no earlier than ~~MY2016~~MY2018 or two years after the finding. The 5.0 g/m²/day standard will not apply to high performance ~~vessels~~watercraft using a fuel hose with an inside diameter of larger than 1/2 inch.

⁵ Using a test temperature of 40°C. As an alternative to 40 CFR Part 1060.515, manufacturers can test according to SAE J1737, Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation (Revision: November 2004Rev. NOV2004).

⁶ Using a test fuel of either E10 CERT fuel or CE 10 fuel. As an alternative for fuel tank testing, manufacturers can certify at 1.4 grams/m²/day at 40° C.

⁷ Using E10 CERT fuel.

⁸ Using U.S. EPA gasoline with 9 RVP.

-DRAFT-

5/23/2014

⁹ As an alternative to TP-1503 testing for pressure relief valves, manufacturers can perform leak test performance of the pressure relief valve according to TP-1505.

DRAFT

-DRAFT-

5/23/2014

Table 4

Compatibility Standards

Model Year Effective Date	Marine Vessel <u>Watercraft</u> Type	Compatibility Standard	Standard Reference
<u>2014</u> 2018 <u>and Later</u>	All Trailerable Marine Vessels <u>Watercraft</u> With Engines > 30 kW	Deck Fill Plate	13 CCR Section 2235

(1) Deck Fill Plate Compatibility Standard.

All deck fill plates on spark-ignition marine ~~vessels~~watercraft must comply with the design requirements for the fill pipe face as set forth in the Air Resources Board's "Specification for Fill Pipes and Openings of Motor Vehicles" as set out in section 2235, Chapter 4.4, Division 3, Title 13 of the California Code of Regulations (Amended: 9-17~~September 17, 19-91~~).

(2) California Fuel Compatibility Standard.

All evaporative emission components must be properly installed and must be compatible with all California commercial pump fuels formulated for use in spark-ignition marine ~~vessels~~watercraft.

(3) Fuel Cap, Vents, and Carbon Canisters Requirements.

For all applicable model years, all spark-ignition marine ~~vessels~~watercraft must comply with the design requirements for fuel caps, vents, and carbon canisters in 40 CFR 1060.101(f)(1).

(4) Fuel Hose Fittings Requirements.

For all applicable model years, all spark-ignition marine ~~vessels~~watercraft must comply with the design requirements for fuel-line fittings in 40 CFR 1060.101(f)(2).

(5) Refueling Requirements.

For all applicable model years, all spark-ignition marine ~~vessels~~watercraft must comply with the design requirements for refueling in 40 CFR 1060.101(f)(3)(ii).

-DRAFT-
5/23/2014

(b) Beginning MY ~~2014~~2018, if the Executive Officer determines that a fuel hose specified in Table 1 and/or Table 2 meets the following criteria:

- 1.- ~~T~~Ithat a 5.0 g/m²/day fuel hose has been certified and
- 2.- ~~T~~Ithat a certified 5.0 g/m²/day fuel hose is commercially available in common sizes.

Then the fuel hose permeation standard will change to 5.0 g/m²/day, effective no earlier than ~~MY2016~~MY2020 or two years after the finding.

(1) In determining whether the fuel hose specified in Table 1 and/or Table 2 meets the criteria of section (b), the Executive Officer shall also verify that the fuel hose:

- (A) Has passed U.S. Coast Guard flammability and fire tests.
- ~~(B)~~ (B) Has met standard H24 as published by the American Boat and Yacht Council.
- ~~(B)~~
- (C) Is of a proper size for marine fuel systems.
- (D) Is flexible to allow proper steering control when installed on ~~vessels~~watercraft with outboard ~~engines~~engines.
- (E) Meets UV resistance requirements.
- (F) Is resistant to kinks and other restrictions.
- (G) Liner will remain intact and not split, separate or collapse under marine operating conditions.
- (H) Properly seals when attached to common marine barbs and other connectors ~~/~~or fittings.

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

§2856 Certification Requirements.

In order to facilitate spark-ignition marine vesselwatercraft design certification, ARB will certify evaporative emission components relating to fuel hoses, fuel tanks, and venting control devices. Manufacturers of spark-ignition marine vesselwatercraft evaporative components that are intended to be referenced in a spark-ignition marine vesselwatercraft certification application must pre-certify evaporative components and obtain a component Executive Order ~~from the ARB~~. The component Executive Orders are then referenced in a spark-ignition marine vesselwatercraft certification application.

Sections 2856(a) and 2856(b) ~~below~~ describe the evaporative component testing and certification requirements. Section 2856(c) describes the spark-ignition marine vesselwatercraft certification design-based requirements. Section 2856(d) describes the spark-ignition marine vesselwatercraft certification performance-based requirements. Design- and performance-based vesselwatercraft certification will begin with MY 2013-2018 spark-ignition marine vesselswatercraft.

(a) Evaporative Component Testing and Certification Requirements.

(1) Components for All Applicable Spark-Ignition Marine VesselsWatercraft.

(A) Component Testing Requirements.

On and after the model years set out in Table 1 of section 2854 and Tables 1 and 2 of section 2855, evaporative emissions from any spark-ignition marine vesselwatercraft certifying under these sections must not exceed the design requirements specified.

Manufacturers certifying spark-ignition marine vesselwatercraft components under ~~these~~ section 2856(a)(1)s must:

1. Follow the applicable test procedures as indicated in sections 2854 and 2855 to measure emissions, which are incorporated by reference herein.
2. Test with applicable fuels as specified in sections 2854 and 2855.
3. Compare the measured emissions to the emissions standards listed sections 2854 and 2855 as applicable.
4. Follow the certification requirements outlined in section 2856(~~ba~~)(1)(B).
5. Meet all the applicable requirements of sections 2854 and 2855.

**-DRAFT-
5/23/2014**

~~6. Meet the all the applicable requirements of sections 2855(a)(1) through 2855(a)(5).~~

67. If a carbon canister is used, meet the requirements for marine carbon specified in 40 CFR Part 1060.-240(d)(1) as incorporated by reference herein.

78. Meet the applicable requirements of 40 CFR part 1060 as incorporated by reference herein.

~~(b) General Evaporative Component Certification Requirements;~~

~~(c)~~

~~(d) The following certification process and requirements apply to all evaporative components to be used on spark-ignition marine vessels.~~

(B) Component Certification Requirements.

The following certification process and requirements apply to all evaporative components to be used on spark-ignition marine vessels/watercraft.

1. In order to obtain a component Executive Order that can be referenced in a design-based certification application, evaporative emission component manufacturers must apply for a component Executive Order.

2. A component manufacturer must apply in writing to the Monitoring and Laboratory Division Chief, Air Resources Board, P.O. Box 2815, Sacramento, ~~California~~A 95812 in order to request a component Executive Order.

3. The application must include data demonstrating that their component meets the ARB testing requirements. 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 ARB approved test procedures. 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.

~~4. Evaporative components that meet the applicable test standards when tested according to the testing requirements~~

-DRAFT-

5/23/2014

~~can be approved by an Executive Officer when issuing evaporative component Executive Orders for spark-ignition marine vessels with installed tanks.~~

45. The Executive Officer may make a determination to approve U.S. EPA certification component data to be referenced for design-based certification if it meets the ARB testing requirements and standards.

~~56.~~ The Executive Officer may make a determination to approve components (fuel hoses, fuel tanks, and carbon canisters or other venting controls) for use on evaporative emission control systems that have been shown to meet the ARB testing requirements.

67. Within 30 calendar days of receipt of the application, the Executive Officer must determine whether an application is complete.

~~78.~~ Within 90 calendar days, after an application has been deemed complete, the Executive Officer must approve /or disapprove the component. If approved, a component Executive Order will be issued. 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.

89. If the Evaporative Emission Design-Based Standards are amended for a product category, all certification “approvals” granted for components in the product category are void as of the effective date of the amended standards unless the applicable component requirements are not amended.

940. If the Executive Officer determines that a component for which an “approval” has been granted no longer meets the performance standards, the Executive Officer may deny, suspend or revoke the component Executive Order following provisions of Section ~~2865-2868~~ of this Article.

104. ~~When requested by the evaporative system builder, the component Executive Order number will be available from the component manufacturer upon request by the evaporative system builder or from the Air Resources Board website.~~

~~11. When requested by the evaporative system builder, the component Executive Order number will be available from the component manufacturer or from the Air Resources Board website.~~

~~(b)~~
Design-Based Certification for all Spark-Ignition Marine ~~Vessel~~Watercraft Types.

The following certification requirements apply to all spark-ignition marine ~~vessel~~watercraft types for MY ~~2013-2018~~ and subsequent.

~~(1) All Applicable Spark-Ignition Marine Watercraft Design-Based Spark-Ignition Marine Vessel Certification.~~

~~(1)~~

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

~~(A) Design-Based Spark-Ignition Marine Watercraft Certification Requirements.~~

~~—~~The evaporative system builder choosing to certify by ~~—~~design-based certification under 2856-(b)(1) must:

1. Complete the installation as directed by the fuel hose, fuel tank, and carbon canister component or other venting component manufacturer and verify that the specifications contained within the referenced component Executive Orders have been adhered to.
2. If a certified carbon canister is not used on the evaporative system, the system builder or component manufacturer must design, install, ~~and test,~~ and certify a venting system according to 2856(a)(1), using the appropriate ARB approved test procedure to ensure compliance with the venting standard or venting efficiency standard.
3. Submit an application for all evaporative families which that includes the approved component Executive Order number or compliant emissions data for the evaporative system components (fuel hose, fuel tank, and carbon canister or other venting controls) and any test data required for venting control following 2856(a)(1).

~~—~~(B) In order to certify by the d~~Design-based standards,~~ Requirements the applicant must apply for an Executive Order of

-DRAFT-

5/23/2014

Certification for the spark-ignition marine ~~vessel~~watercraft. The evaporative system builder must document all evaporative components installed in the spark-ignition marine ~~vessel~~watercraft and record the component Executive Order number or compliant emissions data for each component.

- (C) In order to obtain a design-based certification, the evaporative system builder must document that all requirements, as outlined, have been met.
- (D) The evaporative system builder must submit a design-based certification application to ~~the~~ the Chief, Emissions Compliance, Automotive Regulations and Science Division—Mobile Source Operations Division Chief, Air Resources Board, ~~9480528~~ Telstar Avenue, Suite 4, El Monte, ~~California~~ CA 91731. Upon submission of a design-based certification application, the application will be reviewed, and if all information is found to be true, accurate, and complete, then the Executive Order of Certification will be issued within 90 calendar days. Once the Executive Order of Certification has been issued, the spark-ignition marine ~~vessel~~watercraft may be offered for sale in California.

(cd)- Performance-Based Certification for Spark-Ignition Marine ~~Vessel~~Watercraft Using > 30 kW ~~E~~engines.

The following certification requirements apply to all spark-ignition marine ~~vessels~~watercraft using > 30 kW engines for MY ~~2013-2018~~ and subsequent.

- (1) Performance-Based Spark-Ignition Marine ~~Vessel~~Watercraft Certification.
- (A) Spark-Ignition Marine Watercraft —Testing Requirements.

On and after the model year set out in Table 3 of section 2855 above, evaporative emissions from any spark-ignition marine ~~vessel~~watercraft choosing to certify to performance-based certification under this section must not exceed the performance requirements specified in Table 3 of section 2855.

Manufacturers certifying spark-ignition marine ~~vessels~~watercraft under section 2856(d)(1) must ~~do the following~~:

1. Test all evaporative families in accordance with the test procedure indicated in Table 3 of section 2855 to measure emissions, which are incorporated by reference herein.

-DRAFT-
5/23/2014

2. Diurnal testing must be completed using E10 CERT fuel.
3. Compare the measured emissions to the emissions standard listed in Table 3 of section 2855.
4. Follow the certification requirements outlined in section 2856(c)(1)(B).
- 5.- Meet all the applicable requirements of section 2855.
6. Meet the compatibility requirements as indicated in Table 4 of section 2855.
7. If a carbon canister is used, meet the requirements for carbon for carbon canisters as specified in 40 CFR Part 1060.240(d)(1) as incorporated by reference.

(B)— Spark-Ignition Marine Watercraft -Certification Requirements.

The evaporative system builder choosing to certify using performance-based certification must:

- 1.- Design and install an evaporative emissions control system; and
- 2.- Test the system, using the test procedure listed in Table 3 of section 2855, to ensure compliance with the standard outlined in Table 3 of section 2855.
 - a. In order to certify by the testing requirements in section 2856(d)(1)(A) the applicant must apply for an Executive Order of Certification for ~~each~~ spark-ignition marine ~~vessel~~ watercraft evaporative family.
 - b. In order to obtain a performance-based certification the evaporative system builder must document that all requirements as outlined in Table 3 of section 2855 have been met.
 - c. The evaporative system builder must submit a performance ~~performance~~-based certification application to the Chief, Emissions Compliance, Automotive Regulations and Science Division, Air Resources Board, 9480 Telstar Avenue, Suite 4, El Monte,

-DRAFT-

5/23/2014

~~California 91731. the Mobile Source Operations Division Chief, Air Resources Board, 9528 Telstar, El Monte, CA 91731.~~ Upon submission of a performance-based certification application, the application will be reviewed, and if all information is found to be true, accurate, and complete, then the Executive Order of Certification will be issued within 90 calendar days. Once the Executive Order of Certification has been issued, the spark-ignition marine ~~vessel~~watercraft may be offered for sale in California.

(de) Tampering/Tamper Resistance.

(1) Any tampering, removal or modifications of the evaporative emissions control system is prohibited.

~~(2)~~ (2)—Manufacturers must design spark-ignition marine ~~vessel~~watercraft evaporative emissions control systems in such a way that they are resistant to tampering or removal. Tamper resistance pertains, but is not limited, to:

~~(A)~~ (A)—~~D~~esign of fuel and vapor line connectors; or

~~(B)~~ (B)—Use of tamper resistant fasteners; or

(C) Placement and integration of emission components so that tampering or removal requires a special tool or tools.

(3) The evaporative system must be designed in such a way that tampering or ~~/~~disassembling is not needed to conduct normal functions. Normal functions include, but are not limited to, routine maintenance and refueling of the spark-ignition marine ~~vessel~~watercraft.

(4) Manufacturers must demonstrate tampering/tamper resistance compliance of 2856(d) by submitting a compliance statement in the certification application.

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

§2857 Spark-Ignition Marine ~~Vessel~~Watercraft Registration.

-DRAFT-

5/23/2014

In order for a spark-ignition marine ~~vessel~~watercraft to be registered for use in the state of California, it must meet all emission requirements as required by the California Department of Motor Vehicles in Division 3.5, Chapter 2, §§ 9850-9880 of the California Vehicle Code.

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

–Reference: Section Health and Safety Code 43013.

§2858 After-mMarket Parts.

Sale or installation of any aftermarket part or parts, which ~~could potentially affect~~alters or modifies the original design or performance of the certified evaporative system, in California without an ARB approved Anti-Tampering Exemption is prohibited as stated 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.

§2859 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.
- (b) Applicability. These specifications apply to components that have been certified to the applicable evaporative emission standards in this Article.
- (c) Certification Label Content.
 - (1) The component label information must be written in the English language.
 - (2) The component label must contain the following information:
 - (A) ~~T~~he approved ARB component Executive Order number; or
 - (B) ~~an~~ identifying characters (e.g., symbol, image, letters, EO number, model number, or combination thereof) ~~which that~~ must be described in the component certification application. Identifying characters must be readily visible, distinguishable, and discernable.

-DRAFT-

5/23/2014

- (d) 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), if the component is removed from the evaporative system and inspected.
- (e) Label Durability. The labels and any adhesives used must be designed to withstand, for the component's useful life, typical component environmental conditions. Typical component environmental conditions include, but are not limited to, exposure to engine fuels, lubricants and coolants (e.g., gasoline, motor oil, water, and ethylene glycol).
- (f) Labeling Enforcement. Missing labels or use of labels that are different from those approved ~~will~~ may be grounds for revocation or suspension of the Executive Order or other actions as provided by law. ~~In addition, violation penalties may apply.~~

NOTE: Authority cited: Sections 39600, 39601, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2860 Spark-Ignition Marine ~~Vessel~~Watercraft Labeling.

- (a) Purpose. The Air Resources Board recognizes that spark-ignition marine ~~vessels~~watercraft 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 spark-ignition marine ~~vessel~~watercraft they assemble with an evaporative system.
- (b) Applicability. These specifications apply to spark-ignition marine ~~vessels~~watercraft 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 spark-ignition marine ~~vessel~~watercraft 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 spark-ignition marine ~~vessel~~watercraft. 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 spark-ignition marine ~~vessel~~watercraft, as applicable) or component that is easily detached from the spark-ignition marine ~~vessel~~watercraft.

-DRAFT-

5/23/2014

- (3) The spark-ignition marine ~~vessel~~watercraft 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 spark-ignition marine ~~vessel~~watercraft label must contain the following information:
- (A) ~~T~~he label heading must read: “~~IMPORTANT~~ EMISSION CONTROLS 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~~CP-902 – “Small-Off Road Engine Evaporative Emission Control System Certification Procedure” dated July 26, 2004, which is incorporated by reference herein, or manufacturers evaporative code as defined in the ~~owners manual~~owner’s manual are allowed if they are submitted as part of the certification application.
- (D) The date of spark-ignition marine ~~vessel~~watercraft 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 2013 and subsequent)~~ California regulations; for example in 2018 model year, “~~THIS VESSEL~~ MEETS ~~2013-2018~~ MY CALIFORNIA EVAP EMISSION REGULATIONS FOR SPARK-IGNITION MARINE ~~VESSELS~~WATERCRAFT”.
- (F) The applicable~~An~~ evaporative emissions family.
- (d) Conformance with Other Requirements. A label may state that the spark-ignition marine ~~vessel~~watercraft conforms to any applicable Federal, Canadian, or European evaporative emission standards for new spark-ignition marine ~~vessels~~watercraft; or any other information that the manufacturer deems

**-DRAFT-
5/23/2014**

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 the spark-ignition marine ~~vessel~~watercraft or engine parts, 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, spark-ignition marine ~~vessel~~watercraft and/or engine (as applicable) must be no smaller than 2 millimeters (0.08 inches) in height provided that no spark-ignition marine ~~vessel~~watercraft or engine parts ~~(including all manufacturer available optional spark-ignition marine vessel),~~ except for flexible parts, obstruct the label(s).
- (f) Label Durability. The labels and any adhesives used must be designed to withstand, for the spark-ignition marine ~~vessel~~watercraft's useful life, typical spark-ignition marine ~~vessel~~watercraft environmental conditions in the area where the labels required by this section are attached. Typical spark-ignition marine ~~vessels~~watercraft 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~~30 calendar 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) Alternate Label. 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. Missing labels or 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, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2861 Defects Warranty Requirements for Spark-Ignition Marine
Vessels/Watercraft.

- (a) Applicability. This section applies to spark-ignition marine vessels/watercraft subject to the standards in this Article. The warranty period begins on the date the spark-ignition marine vessel/watercraft is delivered to an ultimate purchaser.
- (b) General Evaporative Emissions Warranty Coverage. The spark-ignition marine vessel/watercraft EO Holders must ~~be~~-warranted to the ultimate purchaser and any subsequent owner that the evaporative emission control system, when installed, was all of the following:
- (1) ~~D~~esigned, built, and equipped so as to conform with all applicable regulations; and
 - (2) ~~F~~ree from defects in materials and workmanship that causes the failure of a warranted part for a period of two 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/EO Holder will be responsible for addressing all warranty issues unless the part has failed due to abuse, neglect, improper maintenance, or unapproved modifications.
- (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 (f) 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 (f) 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 (f) must be warranted for the period of time prior to the first scheduled replacement

-DRAFT-

5/23/2014

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 spark-ignition marine ~~vessel~~watercraft.
 - (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~~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 abuse, neglect, improper maintenance, or unapproved modification~~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 spark-ignition marine ~~vessel~~watercraft subject to this Article, using those portions of the list applicable to the spark-ignition marine ~~vessel~~watercraft.
- (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 that 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 spark-ignition marine vessel/watercraft subject to this Article. The instructions must be consistent with this Aarticle 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 calendar 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 is not be limited to, information on evaporative emission control system maintenance, and a maintenance schedule.

NOTE: Authority cited: Sections 39600, 39601, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2862 Evaporative Emission Control Warranty Statement.

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

-DRAFT-

5/23/2014

**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 (model year(~~s~~)) (spark-ignition marine vessel~~watercraft~~ type). In California, new spark-ignition marine vessels~~watercraft~~ 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 (spark-ignition marine vessel~~watercraft~~ type) for the period listed below provided there has been no abuse, neglect or improper maintenance of your spark-ignition marine vessel~~watercraft~~.

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.

MANUFACTURER'S WARRANTY COVERAGE:

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

OWNER'S WARRANTY RESPONSIBILITIES:

- As the (spark-ignition marine vessel~~watercraft~~ 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 (spark-ignition marine vessel~~watercraft~~ type), but (manufacturer's name) cannot deny warranty solely for the lack of receipts.
- As the (spark-ignition marine vessel~~watercraft~~ type) owner, you should however be aware that the (manufacturer's name) may deny you warranty coverage if your (spark-ignition marine vessel~~watercraft~~ type) or a part has failed due to abuse, neglect, or improper maintenance or unapproved modifications.
- You are responsible for presenting your (spark-ignition marine vessel~~watercraft~~ 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 calendar days. If you have a question regarding your warranty coverage, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXX-XXXX.

- (b) 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.

NOTE: Authority cited: Sections 39600, 39601, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2863 Emission-Related Defect Reporting Requirements.

- (a) Any application for an evaporative emission control system certification must include a copy of the procedures established by the evaporative system builder or component manufacturer to identify either safety-related or performance defects.
- (b) Applicability. This section applies to ~~model year~~MY 20182 and subsequent spark-ignition marine ~~vessels~~watercraft. The requirement to report evaporative emission-related defects affecting a given family of spark-ignition marine ~~vessels~~watercraft will remain applicable for ~~five~~two years from the end of the calendar year in which such spark-ignition marine ~~vessels~~watercraft were manufactured.
- (c) An evaporative system builder or component manufacturer must file a defect information report whenever, on the basis of data obtained within ~~five~~two years from the end of the calendar year in which the spark-ignition marine ~~vessel~~watercraft was manufactured:
 - (1) ~~T~~Ithe evaporative system builder or component manufacturer determines, in accordance with procedures specified in (a), that a specific evaporative emission-related defect exists; and
 - (2) ~~A~~Aa specific evaporative emission-related defect exists in 10% of production or 20 or more spark-ignition marine ~~vessels~~watercraft (whichever is less) of a given evaporative family manufactured in the same Executive Order or model year.
- (d) No report must be filed under this section for any evaporative emission-related defect corrected prior to the sale of the affected spark-ignition marine ~~vessels~~watercraft to ultimate purchasers.
- (e) The evaporative system builder must submit defect information reports to ~~the Chief, Emissions Compliance, Automotive Regulations and Science Division, Air Resources Board, 9480 Telstar Avenue, Suite 4, El Monte, California, 91731~~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 available within 15 working days or is significantly revised must be submitted to the Executive Officer as it becomes available.
- (f) 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 spark-ignition marine ~~vessel~~watercraft 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 spark-ignition marine ~~vessels~~watercraft described in response to subsection (e) of this section, the following must also be provided:
 - (A) The number of spark-ignition marine ~~vessels~~watercraft 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 spark-ignition marine ~~vessels~~watercraft were produced.
- (5) An evaluation of the evaporative emissions impact from the defect and a description of any operational problems that a defective spark-ignition marine ~~vessel~~watercraft 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, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§2864 New Evaporative Emission Component Compliance Testing.

- (a) Compliance Test Procedures.
 - (1) The Executive Officer may, with respect to any new spark-ignition marine ~~vessel~~watercraft 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 spark-ignition marine ~~vessel~~watercraft evaporative emission component shall be delivered to the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California, 91731. 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)) ~~that~~which, insofar as practical, must exclude spark-ignition marine ~~vessel~~watercraft evaporative emission components that would result in an unreasonable disruption of the manufacturer's distribution system.

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.~~

- (2) 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-in or modifications, adjustments, or special preparation or maintenance, they will be performed by the evaporative emission component manufacturer under the supervision of ARB personnel.

- (3) 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, then the evaporative emission component may be retested, and the original test results may be replaced by the postafter-repair test results.
- (4) Evaporative emission components must be randomly chosen from the selected evaporative family according to the following criteria:
- (A) The evaporative emission component must be representative of the component manufacturer's California sales.
 - (B) Each evaporative emission component will be selected from the end of the assembly line.
 - (C) All evaporative emission component models must be included in the sample pool.
 - (D) Each selected evaporative emission component must pass the inspection test, by being equipped with the appropriate emission control systems certified by the ARB.
 - (E) Five evaporative emission components will be selected for testing per the applicable test procedure as indicated in section 2854 or section 2855.

**-DRAFT-
5/23/2014**

- (F) The evaporative family will be deemed to have passed the compliance testing if all test results s are equal to or below the applicable standard.
- (G) 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 standards specified in section 2854 or section 2855 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 E evaporative F family	1.1*Applicable Standard	1.1*Applicable Standard

Where:

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

$$\bar{x} = \frac{\sum_{i=1}^n sample_i}{n}$$

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

$$n = 5$$

- (5) If any evaporative emission component selected for inspection fails an evaporative emission test as determined by subsection (a)(5), or fails to conform to the labeling requirements of section ~~2859~~2859, 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)(5) above, the Executive Officer will notify the ~~Holder of the Executive Order~~EO holder covering the evaporative emission component. The Executive Officer shall also notify such ~~EO hHolder~~ that the Executive Order of Certification that the Executive Order may be suspended or revoked . The ~~EO hHolder 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 the five randomly selected components . The evaporative emission component will be deemed to have passed the compliance testing, if the upper 95% confidence limit of the

five samples is equal to 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 components are produced at one plant, the Executive Officer may elect to suspend the Executive Order with respect to evaporative emission components manufactured at that plant only.
- (3) Notwithstanding the foregoing, the Executive Officer may suspend an Executive Order, in whole or in part, effective upon written notice to the EO hHolder if the Executive Officer finds that that:
 - (A) Tthe EO hHolder of the Executive Order has refused to comply with any of the requirements of this section; or
 - (B) Tthe EO hHolder has submitted false or incomplete information in any report or information provided to the Executive Officer under this section; or
 - (C) Tthe EO hHolder has rendered inaccurate any test data submitted under this section; or
 - (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 EO hHolder; or
 - (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; or
 - (F) that ARB personnel have been denied right of entry to conduct activities authorized under this Article and/or Health and Safety Code section 41510section.
- (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 EO hHolder to the Executive Officer,

-DRAFT-

5/23/2014

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 for a failed evaporative family has been suspended pursuant to subsection (1), (2), or (3) of this section, the EO hHolder must take the following actions before the Executive Officer will consider reinstating the Executive Order:
- (A) Ssubmit 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 EO hHolder 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 that 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)(5). Such testing must comply with the provisions of this section ~~2864~~.
- (6) Once the Executive Order has been revoked, if the EO hHolder desires to continue introduction into commerce of a modified version of the component, the EO hHolder must:
- ~~(A)~~ — After implementing the change or changes intended to remedy the nonconformity, demonstrate that the evaporative emission component does in fact conform by certifying to the applicable standards of this Article by having five evaporative emission components tested following the applicable test procedure indicated in section 2854 or section 2855, unless such testing is waived by the Executive Officer.
- (7) To permit an EO hHolder to avoid storing non-test evaporative emission components while conducting subsequent testing of the noncomplying evaporative family, an EO hHolder 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 spark-ignition marine vesselswatercraft, 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,

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5/23/2014

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, 41510, 43212, 43008.6 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 41510 and 43013.

§2865 New Spark-Ignition Marine ~~Vessel~~Watercraft Compliance Testing.

(a) Compliance Test Procedures.

- (1) The Executive Officer may, with respect to any new performance certified spark-ignition marine ~~vessel~~watercraft evaporative family being sold, offered for sale, or manufactured for sale in California, order a spark-ignition marine ~~vessel~~watercraft manufacturer or evaporative system builder to make available for compliance testing and/or inspection of at least one spark-ignition marine ~~vessel~~watercraft. Unless otherwise directed by the Executive Office, the spark-ignition marine ~~vessel~~watercraft shall be delivered to the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California 91731. The spark-ignition marine ~~vessel~~watercraft 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 a spark-ignition marine ~~vessel~~watercraft that would result in an unreasonable disruption of the manufacturer's distribution system.
- (2) Air Resources Board personnel shall have access to spark-ignition marine ~~vessel~~watercraft assembly plants, or distribution facilities for the purposes of spark-ignition marine ~~vessel~~watercraft selection and testing. Scheduling of access shall be arranged with the representative designated in the application for certification or a representative designated by the manufacturer.
- (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 spark-ignition marine ~~vessels~~watercraft ~~units~~ chosen for compliance testing without the written consent of the Executive Officer.

If the Executive Officer consents to break-in or modifications, adjustments, or special preparation or maintenance, they will be performed by the spark-ignition marine ~~vessel~~watercraft manufacturer under the supervision of ARB personnel.

-DRAFT-

5/23/2014

- (4) Correction of damage or maladjustment that may reasonably be found to have resulted from shipment of the spark-ignition marine ~~vessel~~watercraft is permitted only after an initial test of the spark-ignition marine ~~vessel~~watercraft. The spark-ignition marine ~~vessel~~watercraft manufacturer may request that the spark-ignition marine ~~vessel~~watercraft be repaired from shipping damage, and be retested. If the Executive Officer concurs, the spark-ignition marine ~~vessel~~watercraft may be retested, and the original test results may be replaced by the ~~postafter-~~ repair test results.
- (5) One spark-ignition marine ~~vessel~~watercraft must be randomly chosen from the selected evaporative family according to the criteria specified herein. The spark-ignition marine ~~vessel~~watercraft must be representative of the spark-ignition marine ~~vessel~~watercraft manufacturer's California sales. The spark-ignition marine ~~vessel~~watercraft will be selected from the end of the assembly line. The selected spark-ignition marine ~~vessel~~watercraft 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.
- (6) One spark-ignition marine ~~vessel~~watercraft from the requested evaporative family will be selected for testing per the applicable test procedure as indicated in section 2855 (TP-1501). The evaporative family will be deemed to have passed the compliance testing if all test results 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.
- (7) If the spark-ignition marine ~~vessel~~watercraft 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 2859 and 2860, the Executive Officer shall notify the manufacturer in accordance with subsection (b).

(b) Notification of Failure.

If compliance testing identifies spark-ignition marine ~~vessels~~watercraft units that do not meet the standards set out in subsection (a)(6) above, the Executive Officer will notify the EO holder covering the spark-ignition marine ~~vessel~~watercraft. 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 spark-ignition marine ~~vessel~~watercraft that documents compliance of the evaporative family. The evaporative family will be deemed to have passed the compliance testing, if spark-ignition marine ~~vessel~~watercraft meets the applicable performance standards specified in subsection (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.

(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 EO holder of such certification pursuant to subsection (b) above.
- (2) If the results of the compliance testing indicate that the failed spark-ignition marine ~~vessel~~watercraft 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 spark-ignition marine ~~vessels~~watercraft manufactured at that plant only.
- (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:
 - (A) ~~The~~ EO holder has refused to comply with any of the requirements of this section; or
 - (B) ~~The~~ EO holder has submitted false or incomplete information in any report or information provided to the Executive Officer under this section; or
 - (C) ~~The~~ EO holder has rendered inaccurate any test data submitted under this section; or
 - (D) ~~That~~ ARB personnel have been denied the opportunity to conduct activities authorized under this section and/or after a warrant or court order is ~~presented to the EO holder~~obtained and served; or
 - (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 these activities; or.
 - (F) That ARB personnel have been denied right of entry to conduct activities authorized under this section and other applicable law.
- (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:

(A) ~~S~~submit a written report to the Executive Officer that identifies the reason for the noncompliance of the spark-ignition marine ~~vessel~~watercraft, 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

(B) ~~D~~emonstrate 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 spark-ignition marine ~~vessel~~watercraft. 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 one spark-ignition marine ~~vessel~~watercraft unit 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 spark-ignition marine ~~vessels~~watercraft 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.

(d) Inspection.

The Executive Officer, or an authorized representative of the Executive Officer, may ~~periodically~~ inspect any ~~facility which manufacture~~facility which manufactures ~~spark-ignition marine vessels~~watercraft, ~~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 ~~after a~~

-DRAFT-

5/23/2014

~~warrant or court order is presented to the EO holder~~ 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.

§2866 Exemptions.

Metal tanks that meet the permeation criteria in 40 CFR 1060.240(d)(2) or use certified nonmetal fuel are specifically exempt from section 2855 of this Article-. Tank permeation data for metal tanks is not required to be submitted in the certification application, and metal tanks do no need a component Executive Order.;

NOTE: Authority cited: Sections 39600, 39601, 43212 and 43013 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§28676 Variances.

- (a) Any evaporative system builder subject to this Article that cannot meet the applicable requirements set forth in section 2854 or section 2855 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) ~~T~~he provisions of the regulations for which a variance is sought;
 - (2) ~~T~~he specific grounds upon which the variance is sought;
 - (3) ~~T~~he proposed date(s) by which compliance will be achieved; and
 - (4) ~~A~~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 calendar 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 calendar 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 calendar 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.

5/23/2014

- (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 can not be achieved due to extraordinary circumstances; and
 - (2) That the public interest in mitigating the compliance 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; and
 - (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 and will continue to do so during the variance period.
- (d) 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, especially as they pertain to limiting any excess emissions caused by the granting of the variance, 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.
- (e) 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.
- (f) Upon the application of any person, the Executive Officer may review, and for good cause, modify or revoke a variance from applicable requirements of section 2854 or section 2855 after holding a public hearing in accordance to the provisions in subsection (b).
- (g) A variance will not be granted for more than one full model year after the year such variance is granted.

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

§286~~87~~ 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 that has materially misrepresented the meaning, findings, effect, or any other material aspect of the certification

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5/23/2014

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) ~~A~~an applicant or EO holder that ~~uses~~ has used a label other than the approved label on any spark-ignition marine ~~vessel~~watercraft or component, 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;~~
- ~~(3) Pursuant to section 2865(d) above.~~
- ~~(4) Failure to comply with any order of the Executive Officer issued pursuant to this article may result in revocation or conditioning of a certificate in the manner specified in Section 2868 as applicable.~~
- (b) 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.
- (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 28698. 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 subsection (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~~ them 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.

§28698 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 to become 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 Decisions, commencing with section 60055.1, Article 2, Chapter 1, Division 3, Title 17, California Code of Regulations.

(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; and
 - (B) Copy of the Executive Order granting certification and the written notification of denial; and
 - (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 subsection (A) above.

-DRAFT-

5/23/2014

- (3) Upon receipt of a request for review, the request ~~must~~ shall be referred to the administrative hearing office of the ~~ARB 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 ~~no later than 10 days after the receipt of the manufacturer's submission, provide documents in support of the Executive Officer's action to deny, suspend, or revoke a certification no later than 10 days after receipt of the manufacturer's submission.~~
- (5) Within ~~seven~~ 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.
- (6) If the manufacturer submits a rebuttal, ARB staff may, within ~~seven~~ 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.
- (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.

§287069 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 ~~section and per spark-ignition marine vessel/watercraft unit or component~~ basis. Each day in which there is a violation is a separate violation.

NOTE: Authority cited: Sections 39600, 39601, ~~43212 and~~ 43013, and 43016 Health and Safety Code. Reference: Section Health and Safety Code 43013.

§28719 Severability.

Each part of this Aarticle is severable, and in the event that any part of this article is held to be invalid, then the remainder of this Aarticle 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.