

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and Availability of Additional Documents and/or Information**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE REGULATORY PROPOSAL TO DETERMINE AND CONTROL EVAPORATIVE EMISSIONS FROM OFF-HIGHWAY RECREATIONAL VEHICLES

Public Hearing Date: July 25, 2013  
Public Availability Date: January 14, 2014  
Deadline for Public Comment: January 29, 2014

At its July 25, 2013, public hearing, the Air Resources Board (ARB or Board) approved for adoption proposed changes to California Code of Regulations, title 13, sections 2416, 2417, 2418, 2419.1, 2419.2, 2419.3, 2419.4, and 2419.5, which expand evaporative emission control requirements for off-highway recreational vehicles (OHRV) to include whole vehicle standards, certification, labeling, enforcement, anti-tampering, recall, and use restrictions. A new test procedure (TP) to measure evaporative emissions, TP-933 "Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles," was also approved for adoption and is incorporated by reference in California Code of Regulation, title 13, sections 2417, 2418, and 2419.5.

At the hearing, the staff presented, and the Board approved modifications to the regulatory language originally proposed in the Staff Report released on June 5, 2013, in response to comments received since the Staff Report was published. These modifications include, exempting red sticker OHRVs, as specified in California Code of Regulations, title 13, section 2412(f) from the evaporative emission standards contained in the regulation, allowing emissions credits for early compliance, making minor wording changes for clarification, and making minor changes to TP-933 to clarify testing.

Board Resolution 13-33 approved new sections 2416-2419.5, as modified. The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website: <http://www.arb.ca.gov/regact/2013/ohrv2013/ohrv2013.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt the proposed regulatory language as modified after making them available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

## Summary of Proposed Modifications

1. In section 2416(b) the applicability was changed to exclude red sticker OHRVs as defined in section 2412(f);
2. In section 2418(d) an alternative weighted phase-in was added that encourages early compliance, including giving credit for OHRVs meeting the evaporative emissions standards for model year 2017;
3. In addition to the modifications described above, various modifications to the regulatory text have been made to improve clarity;
4. In TP-933 section 1.1.9 definition of “useful life” was removed because it was inconsistent with the definition of useful life in “California Exhaust Emissions Standards and Test Procedures for 1997 And Later Off-Highway Recreational Vehicles and Engines;” which is incorporated by reference into TP-933;
5. In TP-933 section 4.3.1 and 4.3.2 the tip test time duration was modified from “1 minute” to “1 minute, or such a longer period of time as the manufacturer may choose”; and
6. In addition to the modifications to TP-933 described above, various modifications to the test procedure text have been made to improve clarity.

## Additional Document(s) Added to the Record

In the interest of completeness, staff has also added to the rulemaking record and invites comments on an additional document titled, “Evaluating Annual Sales Growth Estimates and Red/Green Sticker Methodology Changes in RV2013.”

The objective of this additional document is to describe the analysis that was used to update sales growth forecasts embedded in RV2013, the model used to estimate emissions from OHRVs for the Staff Report. The analysis also discusses a change in the methodology for determining red/green stickers and its impact on all-terrain vehicles (ATV) and off-highway motorcycles (OMC). The updated OHRV emissions model can be found at: <http://www.arb.ca.gov/msprog/offroad/orrec/ab1085compliance.htm>

Written comments will only be accepted on the modifications and document identified in this notice and may be submitted by postal mail or electronic mail submittal as follows:

Postal mail: Clerk of the Board, Air Resources Board  
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the two forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations and additional document shall be considered by the Executive Officer.

If you need this document in an alternate format or another language, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 no later than five (5) business days from the release date of this notice. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Si necesita este documento en un formato alternativo u otro idioma, por favor llame a la oficina del Secretario del Consejo de Recursos Atmosféricos al (916) 322-5594 o envíe un fax al (916) 322-3928 no menos de cinco (5) días laborales a partir de la fecha del lanzamiento de este aviso. Para el Servicio Telefónico de California para Personas con Problemas Auditivos, ó de teléfonos TDD pueden marcar al 711.

#### Attachments

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see ARB's website at [www.arb.ca.gov](http://www.arb.ca.gov).*