State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER R-14-008

Relating to the Resubmittal Package to the Office of Administrative Law for Amendments to the Regulation to Control Evaporative Emissions from Off-Highway Recreational Vehicles

WHEREAS, on July 25, 2013, the Air Resources Board (ARB or Board) conducted a public hearing to consider for approval the adoption of the regulatory proposal to determine and control evaporative emissions from off-highway recreational vehicles, as set forth in the Initial State of Reasons released to the public on June 5, 2013;

WHEREAS, following the public hearing, the Board adopted Resolution 13-33, in which the Board approved for adoption sections 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, and 2419.4, title 13, California Code of Regulations (CCR), and the incorporated TP-933 "Test Procedure for Determining Evaporative Emissions from Off-Highway Recreational Vehicles" as set forth in Attachment A and B thereto, with the modifications set forth in Attachment C thereto;

WHEREAS, Resolution 13-33, directed the Executive Officer to determine if additional conforming modifications to the regulation and additional supporting documents and information were appropriate and take final action to adopt the modified regulation after making the modified regulatory language and any additional supporting documents and information available to the public for a period of 15-days, consider such written comments as may be submitted during this period, make such further modifications as may be appropriate in light of the comments received, or return the regulatory amendments to the Board for further consideration if warranted;

WHEREAS, on January 14, 2014, ARB issued a First Notice of Public Availability of Modified Text, which included the Board approved amendments and other changes made to best reflect the intent of the Board at the hearing, and an additional document added to the record; the changes to the originally proposed text were clearly indicated, in accordance with the provisions of the CCR, title 1, section 44;

WHEREAS, on April 28, 2014, ARB issued a Second Notice of Public Availability of Modified Text, which corrected section enumeration and made additional minor changes to improve clarity.

WHEREAS, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments have been considered by the Executive Officer;

WHEREAS, the Executive Officer adopted the Regulation to Control Evaporative Emissions from Off-Highway Recreational Vehicles by Executive Order R-14-002, dated June 6, 2014, and submitted the rulemaking package to the Office of Administrative Law for review in accordance with the California Administrative Procedure Act (APA);

WHEREAS, on July 28, 2014, the Office of Administrative Law issued a Decision of Disapproval of Regulatory Action;

WHEREAS, modifications to the amended regulation were made in order to correct the deficiencies specified in the Decision of Disapproval by the Office of Administrative Law;

WHEREAS, the modifications were made available for a third and fourth 15-day comment period starting August 7, 2014 and September 17, 2014, respectively, and in accordance with the provisions of section 44, title 1, CCR, with the modifications clearly indicated; and

WHEREAS, comments were received during the third and fourth supplemental 15-day comment periods, and those comments have been considered by the Executive Officer.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 13-33 and Executive Order R-14-002 are incorporated by reference herein.

IT IS FURTHER ORDERED that sections 2416, 2417, 2418, 2419, 2419.1, 2419.2, 2419.3, and 2419.4, title 13, California Code of Regulations, and the incorporated TP-933, are adopted as set forth in Attachments 1 and 2 to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text and incorporated certification and test procedures may be further revised with nonsubstantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 5th day of November 2014, at Sacramento, California.

Richard W. Corey
Executive Officer

Attachments