State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text and Availability of Additional Document and Information

EVAPORATIVE EMISSIONS CONTROL REQUIREMENTS FOR SPARK-IGNITION MARINE WATERCRAFT

Public Hearing Date: February 19, 2015
Public Availability Date: September 17, 2015
Deadline for Public Comment: October 2, 2015

At its February 19, 2015, public hearing, the Air Resources Board (ARB or Board) approved for adoption the proposed sections 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, and 2871, Title 13 California Code of Regulations which adopt evaporative emission control requirements for spark-ignition marine watercraft (SIMW) to include standards, certification, labeling, enforcement, recall, and use restrictions. New test procedures (TP) to measure evaporative emissions, TP-1501 "Test Procedure for Determining Diurnal Evaporative Emissions from Spark-Ignition Marine Watercraft"; TP-1502 "Test Procedure for Determining Hot Soak Evaporative Emissions from Spark-Ignition Marine Engines"; TP-1503 "Test Procedure for Determining Diurnal Vented Emissions from Installed Marine Fuel Tanks"; TP-1504 "Test Procedure for Determining Permeation Emissions from Installed Marine Fuel Tanks, Marine Fuel Hoses and Marine Fuel Caps"; and TP-1505 "Test Procedure for Determining Pressure Relief Valve Performance: Durability Demonstration and Leak Test" were also approved for adoption.

At the hearing, staff presented, and the Board approved for adoption, modified regulatory language developed in response to comments received since the Initial Statement of Reasons was released to the public on December 30, 2014. These modifications include clarification to fuel fill requirements, clarification to pressure relief valve test procedure applicability, and harmonization with United States Environmental Protection Agency's test temperatures.

The Board directed the Executive Officer to make the modified regulatory language, and any additional conforming modifications, available for public comment, with any additional supporting documents and information, for a period of at least 15 days as required by Government Code section 11346.8. The Board further directed the Executive Officer to consider written comments submitted during the public review period and make any further modifications that are appropriate available for public comment for at least 15 days, and present the regulation to the Board for further consideration if warranted, or take final action to adopt the regulation after addressing all appropriate modifications.

The resolution and all other regulatory documents for this rulemaking are available online at the following ARB website:

http://www.arb.ca.gov/regact/2015/simw2015/simw2015.htm

The text of the modified regulatory language is shown in Attachment 1 and modified test procedures in Attachments 2, 3, and 4. The originally proposed regulatory language is shown as clean with no markup. New deletions and additions to the proposed language that are made public with this notice are shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions.

In the Final Statement of Reasons, staff will respond to all comments received on the record during the comment periods. The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, documents added to the record, or the changes detailed in Attachments 1, 2, 3, and 4.

The following summary does not include all modifications to correct typographical or grammatical errors, changes in numbering or formatting, nor does it include all of the non-substantive revisions that have been made throughout the proposed changes to improve clarity.

Summary of Proposed Modifications

1. In section 2853, definitions have been added that clarify modifications;
2. In section 2855, a note has been added to clarify an alternative to TP-1505 for testing pressure relief valves;
3. In section 2855 (b)(1), a sentence has been modified to explicitly state fill pipe sealing face requirements;
4. In section 2855 (b)(6), a sentence has been added clarifying primer bulb requirements;
5. In section 2855 Compatibility Standards Table, a note has been added to exclude personal watercraft from the deck fill plate requirement;
6. In section 2855, a requirement has been added for an ARB engineering evaluation of deck fill plates;
7. In TP-1501, a sentence has been added clarifying tank removal for slosh test;
8. In TP-1501, a sentence has been added specifying canister preconditioning requirements;
9. In TP-1503 and TP-1505, sentences have been added clarifying applicability of durability requirements;
10. In TP-1503 and TP-1505, vibration cycles were amended;
11. In TP-1505, a sentence has been added denoting its use for design-based certification; and
12. In TP-1505, test temperatures have been modified to be consistent with TP-1503.

These modifications do not change implementation of the regulation in any way that affects the conclusions of the environmental analysis included in the Staff Report because the modifications consist primarily of definition and provision clarifications that do not alter the compliance responses, so no additional environmental analysis or recirculation of the analysis is required.

Additional Incorporated Document Added to the Record

In the interest of completeness, staff has also added to the rulemaking record and invites comments on:

- Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities, CP-201, California Environmental Protection Agency, Air Resources Board, Sacramento, CA, Amended January 9, 2013, section 2853 http://www.arb.ca.gov/testmeth/vol2/cp201_april2013.pdf

These documents are available for inspection by contacting Trini Balcazar, Regulations Coordinator, at (916) 445-9564.

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Scott Monday at (916) 445-9319 or Scott Bacon at (916) 322-8949.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail or by electronic submittal no later than 5:00 pm on the due date to the following:

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 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 alterno 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.

CALIFORNIA AIR RESOURCES BOARD

Richard W. Corey
Executive Officer

Date: September 17, 2015

Attachments:

1) Modifications to the Proposed Adoption of Evaporative Emissions Control Requirements for Spark-Ignition Marine Watercraft
2) Modifications to the Proposed Test Procedure for Determining Diurnal Evaporative Emissions from Spark-Ignition Marine Watercraft (TP-1501)
3) Modifications to the Proposed Test Procedure for Determining Diurnal Vented Emissions from Installed Marine Fuel Tanks (TP-1503)
4) Modifications to the Proposed Test Procedure for Determining Pressure Relief Valve Performance: Durability Demonstration and Leak Test (TP-1505)

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.