

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF EVAPORATIVE EMISSIONS CONTROL REQUIREMENTS FOR SPARK-IGNITION MARINE WATERCRAFT

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of evaporative emission control requirements for spark-ignition marine watercraft (SIMW or marine watercraft).

DATE: February 19, 2015

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, CA 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., February 19, 2015, and may continue at 8:30 a.m., on February 20, 2015. This item may not be considered until February 20, 2015. Please consult the agenda for the hearing, which will be available at least 10 days before February 19, 2015, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE SECTION 11346.5 (a)(3)

Sections Affected: Proposed adoption of California Code of Regulations, title 13, new sections 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, and 2870, and proposed amendments to sections 2440 and 2442.

Proposed adoption of the following five test procedures (TP) which will be incorporated by reference (Cal. Code Regs., tit. 13, §§ 2851, 2853, and 2856):

- 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*
- TP-1505, *Test Procedure for Determining Pressure Relief Valve Performance*

Documents Incorporated by Reference:

The following documents will also be incorporated in the regulation by reference in California Code of Regulations, title 13, as specified by section:

1. American Boat and Yacht Council (ABYC), *H-24: Gasoline Fuel Systems* (July 2012), section 2855;
2. ARB, *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* (December 6, 2012), California Environmental Protection Agency (Cal/EPA), El Monte, CA, section 2853;
3. ARB, *Small Off-Road Engine Evaporative Emission Control System Certification Procedure*, CP-902 (July 26, 2004), Cal/EPA, Sacramento, CA, section 2860;
4. ARB, *Test Procedure for Determining Diurnal Evaporative Emissions from Small Off-Road Engines and Equipment*, TP-902 (July 26, 2004), Cal/EPA, Sacramento, CA, section 2853;
5. ASTM, *Standard Test Method for Rubber Deterioration-Discoloration from Ultraviolet (UV) and Heat Exposure of Light-Colored Surfaces (2007)*, ASTM D 1148-07a, West Conshohocken, PA, section 2853;
6. ASTM, *Standard Test Method for Determination of Butane Working Capacity of Activated Carbon*, ASTM D 5228-92 (2010), West Conshohocken, PA, section 2855;
7. International Standards Organization (ISO), 13331:1995(E) (June 1, 1995), section 2855;
8. *Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation*, Society of Automotive Engineers (SAE), Surface Vehicle Recommended Practice, J1737 (May 2013), section 2855;
9. Reddy, *Prediction of Fuel Vapor Generation from a Vehicle Fuel Tank as a Function of Fuel RVP and Temperature* (September 1989), SAE Technical Paper Series 892089, section 2855;
10. SAE, *Fuel and Oil Hoses* (December 2008), SAE Standard J30, section 2853;
11. U.S. Coast Guard, *Boats and Associated Equipment*, 33 CFR 183.590 (May 1987), section 2855;

12. U.S. Environmental Protection Agency (U.S. EPA), *Control of Evaporative Emissions from New and In-use Nonroad and Stationary Equipment*, 40 Code of Federal Regulations (CFR) 1060, 1060.101, 1060.240, 1060.515, 1060.520, 1060.525, 1045.801, and 1060.801, (October 2008), sections 2853, 2854, 2855, and 2866;
13. U.S. EPA, *Control of Evaporative Emissions from New and In-use Nonroad and Stationary Equipment*, 40 CFR 1068.225 (April 2010), section 2851.

The following documents will be incorporated by reference in the proposed *Test Procedure for Determining Diurnal Evaporative Emissions from Spark-Ignition Marine Watercraft*, (TP-1501):

1. ARB, *California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles* (December 6, 2012), Cal/EPA, El Monte, CA;
2. U.S. EPA, *Control of Emissions from New and In-Use Highway Vehicles and Engines*, 40 CFR Part 86 Subparts 107-96, 108-00, and 508-78 (April 2014).

The following documents will be incorporated by reference in the proposed *Test Procedure for Determining Hot Soak Evaporative Emissions from Spark-Ignition Marine Engines*, (TP-1502):

1. ARB, *California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles* (December 6, 2012), Cal/EPA, El Monte, CA;
2. U.S. EPA, *Control of Emissions from New and In-Use Highway Vehicles and Engines*, 40 CFR Part 86 Subparts 107-96, 108-00, and 508-78 (April 2014).

The following documents will be incorporated by reference in the proposed *Test Procedure for Determining Diurnal Vented Emissions from Installed Marine Fuel Tanks*, (TP-1503):

1. ABYC, H-24: *Gasoline Fuel Systems* (July 2012);
2. ASTM, *Standard Practice for Operating Salt Spray (Fog) Apparatus* (2011), ASTM B117-11, West Conshohocken, PA;
3. ARB, *California Evaporative Emission Standards and Test Procedures for 2001 and Subsequent Model Motor Vehicles* (December 6, 2012), Cal/EPA;

4. Reddy, *Prediction of Fuel Vapor Generation from a Vehicle Fuel Tank as a Function of Fuel RVP and Temperature* (September 1989), SAE Technical Paper 892089;
5. U.S. EPA, *Control of Emissions from New and In-Use Highway Vehicles and Engines*, 40 CFR Part 86 Subparts 107-96, 108-00, and 508-78 (April 2014).

The following documents will be incorporated by reference in the proposed *Test Procedure for Determining Permeation Emissions from Installed Marine Fuel Tanks, Marine Fuel Hoses and Marine Fuel Caps*, (TP-1504):

1. U.S. EPA, *Control of Evaporative Emissions from New and In-use Nonroad and Stationary Equipment*, 40 CFR 1060.501, 1060.505, 1060.515, 1060.520, 1060.521, and 1060.801 (October 2008).

Background and Effect of the Proposed Rulemaking:

In spite of a significant reduction in ozone precursors, California needs additional reductions of reactive organic gases (ROG) to attain of the federal ambient air quality standard for ozone in many areas of the State. Mobile sources have historically been the largest source of ROG emissions in California. As on-road mobile sources have become progressively cleaner, the relative contribution of off-road sources has become more significant.

In September 2007, the Board adopted amendments to the State Implementation Plan (SIP), which comprises State and local air quality planning documents showing how and when California will meet federally mandated national ambient air quality standards (NAAQS). One of the 2007 SIP measures requires further assessing the feasibility of achieving additional evaporative ROG reductions from SIMW.

Based on the 2007 SIP commitment, staff began investigating the feasibility of controlling evaporative emissions from SIMW. The investigation was formally initiated in 2007 because there were no federal and State rules or regulations in place to control evaporative emissions from SIMW. However, ARB was aware that the U.S. EPA was considering national evaporative standards. In October 2008, U.S. EPA finalized evaporative emissions standards for all SIMW. Implemented in 2009, the federal rule set new evaporative emissions design standards for fuel system components. However, ARB's investigation revealed that lower evaporative standards are technically feasible for SIMW and are needed to address California's unique air quality challenges. By setting more stringent standards than those adopted by U.S. EPA, ARB can obtain additional emissions reductions.

When the Board adopted the 2007 amendments to the SIP, it was expected that the evaporative emissions regulation would be considered for adoption in 2013. However, the rulemaking has been delayed in order to develop an updated emissions inventory, based on improved emission factors and new usage surveys. Additional time was also needed to address a number of issues with stakeholders, notably the certification process.

Objectives and Benefits of the Proposed Regulatory Action:

The primary purpose of this proposed regulation is to set more stringent evaporative emission standards than those adopted by U.S. EPA. The proposed regulation also includes provisions for certification, labeling, enforcement, and recall. The proposed regulation establishes new test procedures for determining evaporative emissions from SIMW and evaporative emissions components. ARB conducted extensive evaporative emissions testing using the latest control technology to confirm the technical feasibility of the proposed regulation.

The proposed regulation is designed to reduce ROG emissions from SIMW in order to help meet the ozone NAAQS. If adopted, the proposed regulation will provide ROG emissions reductions beginning in model year (MY) 2018. Additionally, the proposed amendments would result in reduced exposure to benzene, a toxic air contaminant. Due to reduced fuel consumption as well as ROG emissions reductions, climate co-benefits are also anticipated.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulatory action, ARB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

MANDATED BY FEDERAL LAW OR REGULATION

The proposed regulation helps California meet its SIP commitments for ozone reduction and harmonizes California's evaporative emissions requirements for SIMW with engines less than or equal to 30 kW with the federal evaporative emissions requirements specified in 40 CFR Part 1060.

COMPARABLE FEDERAL REGULATIONS

Currently, SIMW in California are required to meet the federal evaporative emissions requirements, which are specified in 40 CFR Part 1060. The federal requirements specify design standards for SIMW fuel system evaporative emissions components.

The proposed ARB regulation differs from the current federal requirements by setting more stringent standards for low permeation fuel tanks, low permeation fuel hoses, and fuel tank venting loss control beginning with MY 2018. Unlike the federal regulations, the proposed regulation also requires fuel systems be fuel-injected or have equivalent evaporative emissions performance and fuel fill deck plates that are compatible with vapor recovery systems at gasoline stations.

STATE IMPLEMENTATION PLAN REVISION

If adopted by the Board, ARB plans to submit the proposed regulatory action to the U.S. EPA for approval as a revision to the California SIP required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it adopts regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Adoption of Evaporative Emissions Control Requirements for Spark-Ignition Marine Watercraft*.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on ARB's Web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, CA 95814, (916) 322-2990 on December 30, 2014.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's Web site listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Jim Watson, Manager, Engineering and Regulation Development Section, (916) 327-1282, or Scott Monday, Air Resources Engineer, (916) 445-9319.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Amy Whiting, Regulations Coordinator, (916) 322-6533. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's Web site for this rulemaking at <http://www.arb.ca.gov/regact/2015/simw2015/simw2015.htm>

DISCLOSURES REGARDING THE PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Fiscal Impact / Local Mandate

Pursuant to Government Code sections 11346.5(a)(5), and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create costs to ARB for enforcement and certification by the state. The Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state, or other nondiscretionary cost or savings to local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. Businesses that manufacture SIMW and/or dealers that assemble their own evaporative emissions systems for SIMW may incur annual ongoing costs for SIMW certification. Annual ongoing certification reporting costs are estimated to range as high as \$2,568 per year for businesses opting to build and certify evaporative systems. The average estimated retail price increase for manufacturers to produce a compliant SIMW is estimated at \$39 per marine watercraft.

Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Section 11346.3(b)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed regulation is to maximize ROG evaporative emissions reductions from SIMW while minimizing the costs to businesses and consumers. A summary of these benefits is provided on pages 4 and 5 of this notice. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis section in the ISOR.

A summary of these benefits is provided, please refer to "Objectives and Benefits", under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion on page five.

Effect on Small Business

The Executive Officer has determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. The proposed regulation will have some impact on small businesses that manufacture SIMW and/or dealers that assemble their own evaporative emissions systems for SIMW. Annual ongoing costs are estimated to range as high as \$2,568 per year for certification reporting costs should a small business opt to build and certify evaporative systems and not pass on those costs to purchasers of SIMW.

Housing Costs

The Executive Officer has made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Business Report

In accordance with Government Code section 11346.3(c) and 11346.5(a)(11), the Executive Officer has found that the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California. Reporting requirements are necessary to ensure manufacturer compliance with the proposed standard.

Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the board or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Environmental Analysis

ARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded that it is exempt pursuant to CEQA Guidelines section 15308 – Actions Taken by Regulatory Agencies for Protection of the Environment. A brief explanation of the basis for reaching this conclusion is included in Section V of the ISOR.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the meeting and may provide comments by postal mail or by electronic submittal before the meeting. The public comment period for this regulatory action will begin on **January 2, 2015**. To be considered by the Board, written comments not physically submitted at the meeting, must be submitted on or after **January 2, 2015** and received **no later than 5:00 pm on February 17, 2015**, and must be addressed 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 oral 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.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 39600, 39601, 41510, 43008.6, 43013, 43018, 43101, 43102, 43104, and 43212. This action is proposed to implement, interpret, and make specific Health and Safety Code, sections 41510, 41511, 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150, 43151, 43152, 43153, 43154, 43205.5, 43210, 43210.5, 43211, and 43212

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act (Gov. Code, § 11340 et seq.).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comments, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

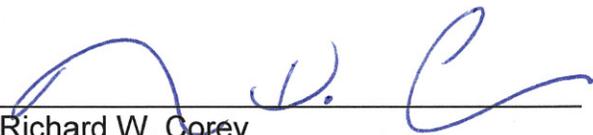
To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia
- Documentos disponibles en un formato alterno u otro idioma
- Una acomodación razonable relacionados con una incapacidad

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

CALIFORNIA AIR RESOURCES BOARD



Richard W. Corey
Executive Officer

Date: December 16, 2014

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 our website at www.arb.ca.gov.