State of California
AIR RESOURCES BOARD

Executive Order R-17-004

Relating to PUBLIC HEARING TO CONSIDER THE PROPOSED AMENDMENTS TO THE EVAPORATIVE EMISSION REQUIREMENTS FOR SMALL OFF-ROAD ENGINES

WHEREAS, on November 17, 2016, the Air Resources Board (ARB or Board) conducted a public hearing to consider the proposed amendments to the evaporative emission requirements for small off-road engines, as set forth in Appendix A to the Initial State of Reasons (Staff Report) released to the public on September 27, 2016;

WHEREAS, the environmental analysis prepared under ARB's regulatory program certified under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA; California Code of Regulations, title 14, section 15251(d)) in the Staff Report concluded that the amendments are exempt from CEQA under the "common sense" exemption, at California Code of Regulations, title 14, section 15061(b)(3), because the record evidence shows with certainty that there is no possibility that the proposed activity may result in a significant adverse impact on the environment, as described in Chapter IV of the Staff Report;

WHEREAS, following the public hearing, the Board adopted Resolution 16-14 in which the Board approved for adoption amendments (including additions) to the evaporative emission requirements for small off-road engines in title 13, chapter 15, article 1, section 2750, et seq., of the California Code of Regulations, and including the amendments to the following procedures, incorporated by reference:

- CP-901, Certification and Approval Procedure for Small Off-Road Engine Fuel Tanks
- CP-902, Certification and Approval Procedure for Evaporative Emission Control Systems
- TP-901, Test Procedure for Determining Permeation Emissions From Small Off-Road Engines and Equipment Fuel Tanks
- TP-902, Test Procedure for Determining Diurnal Evaporative Emissions From Small Off-Road Engines and Equipment,

as set forth in Attachment A of that resolution;

WHEREAS, Resolution 16-14, directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the regulation after addressing all appropriate modifications or present the regulation to the Board for further consideration if warranted;

WHEREAS, modified regulatory language and supporting documentation were circulated for a 15-day public comment period, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and Government Code section 11340.85, from May 23, 2017, to June 7, 2017;

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

WHEREAS, based on substantial evidence in the record there is no possibility the modifications to the regulation made available for a 15 day public comment period after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required and no additional comments raising significant environmental issues were received;

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 16-14 are incorporated herein.

IT IS FURTHER ORDERED that title 13, chapter 15, article 1, section 2750, et seq., of the California Code of Regulations, which incorporate by reference the following documents:

- CP-901, Certification and Approval Procedure for Small Off-Road Engine Fuel Tanks
- CP-902, Certification and Approval Procedure for Evaporative Emission Control Systems
- TP-901, Test Procedure for Determining Permeation Emissions From Small Off-Road Engines and Equipment Fuel Tanks
- TP-902, Test Procedure for Determining Diurnal Evaporative Emissions From Small Off-Road Engines and Equipment,

are adopted as set forth in Attachments 1-5 to this Order.

IT IS FURTHER ORDERED that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 18th day of September, 2017, at Sacramento, California.

FILED
SEP 29 2017
Resources Agency of California

Richard W. Corey
Executive Officer

Attachments