STATE OF CALIFORNIA–OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

REGULAR

(See instructions on reverse)

STD. 400 (REV. 2-91)

For use by Secretary of State only

ENDORSED FILED IN THE OFFICE OF

97 FEB 20 AM 2:40

BILL JONES SECRETARY OF STATE

AGENCY	AGENCY FILE NUMBER (If any)
Air Resources Board	

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	296-0730-04	97-0106-01S		

For use by Office of Administrative Law (OAL) only

RECEIVED FOR FILING	PUBLICATION DATE	
JUL 30 '96	AUG - 9 '96	97 JAN -6 AM 10:03 OFFICE OF ADMINISTRATIVE LAW
Office of Administrative Law		Office of Administrative Law
NOTICE		REGULATIONS

A. PUBLICATION OF NOTICE *(Complete for publication in Notice Register)*

1. TOPIC OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
Wintertime Products and Specialty Vehicles CO	13	2403	August 9, 1996

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER
[X] Notice re Proposed Regulatory Action [ ] Other	Michael L. Terris	(916) 322-2884

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	[ ] Approved as Submitted [ ] Approved as Modified [ ] Disapproved/ Withdrawn	96, 32-2	8-9-96

B. SUBMISSION OF REGULATIONS *(Complete when submitting regulations)*

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) *(Including title 26, if toxics-related)*

TITLE(S)	
13	ADOPT
SECTIONS AFFECTED	AMEND: Title 13, section 2403 and 2412
	REPEAL

2. TYPE OF FILING

[X] Regular Rulemaking (Gov. Code, § 11346) [ ] Resubmittal [ ] Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) [ ] Emergency (Gov. Code, § 11346.1(b))

[ ] Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

[ ] Print Only [ ] Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE *(Cal. Code Regs. title 1, §§ 44 and 45)*

4. EFFECTIVE DATE OF REGULATORY CHANGES *(Gov. Code § 11346.2)*

[ ] Effective 30th day after filing with Secretary of State [X] Effective on filing with Secretary of State [ ] Effective other *(Specify)*

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

[ ] Department of Finance (Form STD. 399) [ ] Fair Political Practices Commission [ ] State Fire Marshal

[ ] Other (Specify)

6. CONTACT PERSON	TELEPHONE NUMBER
Michael L. Terris, Senior Staff Counsel	(916) 322-2884

7. *I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.*

SIGNATURE OF AGENCY HEAD OR DESIGNEE	DATE
	December 12, 1996

TYPED NAME AND TITLE OF SIGNATORY

Michael P. Kenny, Executive Officer

FINAL REGULATION ORDER

Sections 2403 and 2412, Title 13, CCR

Amend Title 13, California Code of Regulations, Chapter 9, Article 1, section 2403 to read as follows:

2403. Exhaust Emission Standards and Test Procedures--Utility and Lawn and Garden Equipment Engines.

(a) This section shall be applicable to utility and lawn and garden equipment engines produced on or after January 1, 1995.

(b) Exhaust emissions from new utility and lawn and garden equipment engines, manufactured for sale, sold, offered for sale, introduced or delivered for introduction into commerce in, or imported into California, shall not exceed:

Exhaust Emission Standards
(grams per brake horsepower-hour)

Calendar Year	Engine Class (1)	Hydrocarbon plus oxides of nitrogen(2)	Hydrocarbon (2)	Carbon Monoxide	Oxides of Nitrogen	Particulate
1995	I	12.0	--	300	--	0.9(3)
	II	10.0	--	300	--	0.9(3)
	III(4)	--	220	600	4.0	--
	IV(4)	--	180	600	4.0	--
	V(4)	--	120	300	4.0	--
1996 to 1998	I	12.0(6)	--	350	--	0.9(3)
	II	10.0(6)	--	350	--	0.9(3)
	III(4)	--	220(6)	600	4.0(6)	--
	IV(4)	--	180(6)	600	4.0(6)	--
	V(4)	--	120(6)	300	4.0(6)	--

Calendar Year	Engine Class (1)	Hydrocarbon plus oxides of nitrogen(2)	Hydrocarbon (2)	Carbon Monoxide	Oxides of Nitrogen	Particulate
1999 and subsequent(6)	I, II	3.2(6)	--	100	--	0.25(5)
	III, IV, V(4)	--	50(6)	130	4.0(6)	0.25(5)

(1) "Class I" means utility and lawn and garden equipment engines less than 225 cc in displacement.
"Class II" means utility and lawn and garden equipment engines greater than or equal to 225 cc in displacement.
"Class III" means hand held utility and lawn and garden equipment engines less than 20 cc in displacement.
"Class IV" means hand held utility and lawn and garden equipment engines 20 cc to less than 50 cc in displacement.
"Class V" means hand held utility and lawn and garden equipment engines greater than or equal to 50 cc in displacement.

(2) The Executive Officer may allow gaseous-fueled (i.e., propane, natural gas) engine families, that satisfy the requirements of the regulations, to certify to either the hydrocarbon plus oxides of nitrogen or hydrocarbon emission standard, as applicable, on the basis of the non-methane hydrocarbon (NMHC) portion of the total hydrocarbon emissions.

(3) Applicable to all diesel-cycle engines.

(4) These standards may be used for engines that meet the requirements of (i) and (ii) below, and for two-stroke engines that exclusively power snowthrowers.

(i) The engine must be used in a hand-held piece of equipment. To be classified as a hand-held piece of equipment, the equipment must require its full weight to be supported by the operator in the performance of its requisite function.

(ii) The engine and equipment must require multi-positional characteristics for use (e.g. it must be capable of operating in any position, upside down, or sideways as required to complete the job).

(5) Applicable to all diesel-cycle engines, and all two-stroke engines.

(6) Engines used exclusively in snowthrowers and ice augers need not certify to or comply with the HC and NOx standards at the option of the manufacturer.

(c) The test procedures for determining compliance with the standards for exhaust emissions from new utility and lawn and garden equipment engines are set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted March 20, 1992, and last amended January 25, 1996.

(d) In 1995 and subsequent years, fire and police departments, and other entities which specialize in emergency response may purchase emergency equipment powered by a non-California certified engine only when such equipment with a California-certified engine is not available. For purposes of this section, a request to purchase emergency equipment powered by a non-California certified engine shall be submitted for approval to the Executive Officer.

(e) No new engines shall be produced for sale to replace pre-1995 model equipment after January 1, 1999, unless those engines comply with the 1995 model emission standards.

(f) Any new equipment engine certified to comply with California emission standards and test procedures for on-road or other off-road applications may, upon approval by the Executive Officer, be in compliance with these regulations.

NOTE: Authority cited: Sections 39600, 39601, 43103 and 43018, Health and Safety Code. Reference: Sections 43013, 43017 and 43018, Health and Safety Code.

Amend Title 13, California Code of Regulations, Chapter 9, Article 3, section 2412 to read as follows:

2410. Applicability.

. . . . . .

History

1. . . . . .

2. U.S. EPA granted California authorization on December 23, 1996 (61 Fed.Reg. 69093, December 31, 1996).

2412. Emission Standards and Test Procedures--New Off-Highway Recreational Vehicles and Engines.

(a) This section shall be applicable to specialty vehicle engines under 25 horsepower produced on or after January 1, 1995, and all other off-highway recreational vehicles and engines used in such vehicles produced on or after January 1, 1997.

(b) For purposes of certification in California, manufacturers shall comply with the following exhaust emissions from new off-highway recreational vehicles and engines that are sold, leased, used, or introduced into commerce in California. Exhaust emissions shall not exceed:

~~Proposed~~ Emission Standards

Vehicle & Model Year	Hydrocarbon	Oxides of Nitrogen	Carbon Monoxide	Particulate Matter[1]
Off-Road Motorcycles and All-Terrain Vehicles with Engines Greater Than 90 cc[3] 1977 and Later (g/km)[4]	1.2[2]	-	15.0	-
Off-Road Motorcycles and All-Terrain Vehicles with Engines 90 cc or Less 1999 and Later (g/km)	1.2[2]	-	15.0	-
All-Terrain Vehicle Option 1997 and Later	Shall comply with exhaust emission standards equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in CCR, Title 13, section 2403, and the incorporated document "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines" which is hereby incorporated by reference herein[5]			
Golf Carts in Federal Ozone Non-Attainment Areas 1997 and Later	ZERO	ZERO	ZERO	ZERO
Specialty Vehicle Engines <25 horsepower				
1995-~~1998~~	10.0/12.0[6] Combined		300	0.9
September 25, 1996				
September 26, 1996-1998	100/12.0[6] Combined		~~300~~ 350	0.9
1999 and Later (g/~~B~~bhp-hr)[7]	3.2 Combined		100	0.25
Go-Karts and Specialty Vehicle Engines >25 horsepower 1997 and Later (g/~~B~~bhp-hr)	3.2 Combined		100	0.25

(c) (1) The test procedures for determining certification and compliance with the standards for exhaust emissions from new off-road motorcycles, all-terrain vehicles, and golf carts are set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines," adopted November 23, 1994, which incorporates by reference Subparts E and F, Title 40, Code of Federal Regulations. There are no emissions test procedures for golf carts.[8]

(2) The test procedures for determining certification and compliance with the standards for exhaust emissions from new specialty vehicles and go-karts, and engines used in such vehicles, and all terrain vehicle engines (those engines utilizing the optional standards noted in (b) above) are set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Lawn and Garden and Utility Equipment Engines" adopted March 20, 1992, and last amended April 8, 1993.

(d) Compliance with a standard to be applied as a "corporate average" shall be determined as follows:

$$\frac{\sum_{j=1}^{n} (PROD)_{jx} (STD)_{jx}}{\sum_{j=1}^{n} (PROD)_{jx}} = STD_{ca}$$

n = Off-road motorcycle and all-terrain vehicle engine families.

$PROD_{jx}$ = Number of units in engine family j produced for sale in California in model year x.

STD_{jx} = The manufacturer designated HC exhaust emission standard for engine family j in model year x, which shall be determined by the manufacturer subject to the following conditions: (1) no individual engine family exhaust emission standard shall exceed 2.5 g/km, and (2) no engine family designation or engine family exhaust emission standard shall be amended in a model year after the engine family is certified for the model year, and (3) prior to sale or offering for sale in California, each engine family shall be certified in accordance with "California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines" adopted November 23, 1994, and shall be required to meet the manufacturer's designated HC exhaust emission standard as a condition of the certification Executive Order. Prior to certification the manufacturer shall also submit estimated production volumes for each engine family to be offered for sale in California.

STD_{ca} = A manufacturer's corporate average HC exhaust emissions from those California off-road motorcycles and all-terrain vehicles subject to the California corporate average HC exhaust emissions standard, as established by an Executive Order certifying the California production for the model year. This order must be obtained prior to the issuance of certification Executive Orders for individual engine families for the model year and shall include but not be limited to the following requirements:

(1) During the manufacturer's production year, for each vehicle produced for sale in California, the manufacturer shall provide the following information to the Executive Officer within 30 days after the last day in each calendar quarter:

(i) vehicle identification numbers and an explanation of the identification code if applicable;

(ii) model number and engine size of vehicle;

(iii) the total number of vehicles marketed and produced as non-competition vehicles for sale in California and their applicable designated emissions standards.

(2) The manufacturer's average HC exhaust emissions shall meet the corporate average standard at the end of the manufacturer's production for the model year.

(3) Production and sale of vehicles which result in non-compliance with the California standard for the model year shall cause a manufacturer to be subject to civil penalties, according to applicable provisions of the Health and Safety Code. All excess emissions resulting from non-compliance with the California standard shall be made up in the following model year.

(4) For a period of up to one year following the end of the model year, the manufacturer shall submit California sales and registration data as it becomes available, for each model.

(e) As an option to the standards set forth in section (b) above, exhaust emissions from 1997 and later all-terrain vehicle engines shall not exceed the equivalent to the off-road motorcycle and all-terrain vehicle standard using the utility test procedures set forth in "California Exhaust Emission Standards and Test Procedures for 1995 and Later Utility and Lawn and Garden Equipment Engines", adopted March 20, 1992, and last amended April 8, 1993, which is hereby incorporated by reference herein.

(f) (1) On or after January 1, 1995, no new engines shall be produced for sale to replace specialty vehicle engines, unless the engines comply with the emission standards in effect at the time of replacement.

(2) On or after January 1, 1997, no new engines greater than 90 cc shall be produced for sale to replace off-road motorcycles, all-terrain vehicles, go-karts and engines used in such vehicles, unless those engines comply with the emission control standards in effect at the time of replacement.

(3) On or after January 1, 1997, manufacturers shall not produce for sale in federal ozone non-attainment areas of California new, non-zero emission engines for golf carts.

(4) On or after January 1, 1999, no new engines 90 cc or less shall be produced for sale to replace off-road motorcycle and all-terrain vehicle engines, unless those engines comply with the emission control standards in effect at the time of replacement.

(g) The Executive Officer may find that any off-road motorcycles, all-terrain vehicles, specialty vehicles, go-karts or engines used in such vehicles certified to comply with California emission standards and test procedures for on-road or other off-road applications are in compliance with these regulations.

(h) No crankcase emissions shall be discharged into the ambient atmosphere from 1997 and later off-road motorcycles, all-terrain vehicles, golf carts, or engines used in such vehicles.

1. Applicable to diesel and two-stroke spark ignited engines only.
2. Compliance with the 1.2 gram per kilometer HC standard to be applied as a "corporate average" shall be determined as provided in subsection(d). Each engine family shall have only one applicable standard.
3. Cubic centimeter.
4. Grams per kilometer.
5. Compliance with the equivalent all-terrain vehicle HC standard to be applied as a "corporate average" shall be determined as provided in subsection(d). Each engine family shall have only one applicable standard.
6. The standard is applicable based on the engine displacement. Engines <225 cubic centimeters(cc) shall comply with 12.0 g/~~B~~bhp-hr HC+NOx standard and engines 225cc and greater shall comply with the 10.0 g/~~B~~bhp-hr HC+NOx standard.
7. Grams per brake-horsepower-hour.
8. Although golf cart manufacturers must file an application of certification and comply with the administrative requirements outlined in the procedures to certify their vehicles for sale in California, they are not required to perform emissions testing.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43107, Health and Safety Code. Reference: Sections 43013, 43018, and 43107, Health and Safety Code.