MAIL OUT #96-24

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE HYDROCARBON AND OXIDES OF NITROGEN EMISSION STANDARDS FOR 1995 AND LATER UTILITY AND LAWN AND GARDEN EQUIPMENT ENGINES USED IN SNOWTHROWERS AND ICE AUGERS, AND TO THE CARBON MONOXIDE STANDARD FOR 1996-1998 OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The Air Resources Board ("ARB" or "Board") will conduct a public hearing at the time and place noted below to consider amendments to the regulations and test procedures related to the control of emissions from utility and lawn and garden equipment engines (utility engines) used in snowthrowers and ice augers. ARB will also consider amendments to the regulations and test procedures related to the control of emissions from off-highway recreational vehicles and engines.

DATE: September 26, 1996

TIME: 9:30 a.m.

PLACE: Air Resources Board
Hearing Room, Lower Level
2020 L Street
Sacramento, California

These items will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., September 26, 1996, and may continue at 8:30 a.m., September 27, 1996. These items may not be considered until September 27, 1996. Please consult the agenda for the meeting, which will be available at least 10 days before September 26, 1996, to determine the day on which these items will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Summary: ARB is proposing several minor changes to its off-road regulations. In response to a petition by the Tecumseh and Toro Companies, staff is recommending that ARB approve amendments to the utility and lawn and garden equipment engine (utility engine) regulations, (Title 13, California Code of Regulations, Section 2403, et seq.), making the hydrocarbon (HC) and oxides of nitrogen (NOx) standards optional for engines used in handheld and non-handheld snowthrowers and ice augers. By providing optional HC and NOx standards for snowthrowers and ice augers, ARB would be bringing California standards in line with federal standards for similar types of engines.

Staff is also recommending that ARB approve an amendment to raise the carbon monoxide (CO) standard from 300 g/bhp-hr to 350 g/bhp-hr for specialty vehicles under 25 horsepower that are manufactured after the effective date of the amendments through calendar year 1998.

On January 25, 1996, in response to a petition from the Briggs & Stratton Corporation, ARB adopted an amendment for utility engines modifying the CO standard to 350 g/bhp-hr. Staff is proposing that the standard be similarly modified for specialty vehicles because manufacturers supply the same engines for both specialty vehicles and utility equipment.

The air quality impacts from the substantive modifications should be minimal, if not negligible, from the two regulatory proposals, and should not cause any adverse economic impacts. Indeed, the modifications should provide some economic relief to engine and equipment manufacturers, distributors, and retailers.

Sections Affected: Amendment of the following chapters and sections of Division 3, Title 13, California Code of Regulations (CCR), and the documents incorporated by reference therein: Chapter 9, Off-Road Vehicles and Engines Pollution Control Devices: Article 1, Utility and Lawn and Garden Engines; Section 2403, Exhaust Emission Standards and Test Procedures and the incorporated "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 May 26, 1995.

Chapter 10, Off-Highway Recreational Vehicles Pollution Control Devices: Article 2, Approval of California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway and Recreational Vehicles and Engines; Section 2412, Emission Standards and Test Procedures - New Off- Highway Recreational Vehicles and Engines and the incorporated "California Exhaust Emission Standards and Test Procedures for 1995 and Later Off-Highway Recreational Vehicles and Engines," adopted November 23, 1994, and the "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.

ARB was granted the authority to regulate off-road mobile sources of emissions in the California Clean Air Act (CCAA) of 1988 as codified in the Health and Safety Code (HSC) Sections 43013 and 43018. Included in the off-road category are construction and farm equipment, marine vessels, locomotives, utility engines, off-road motorcycles, and off-highway vehicles.

Utility Engines

The utility engine regulations were originally approved by ARB on December 14, 1990, and were formally adopted on March 20, 1992. The utility engine regulations include exhaust emission standards, and provisions for emission test procedures, engine label requirements, warranty, and compliance programs. In addition, the regulations as initially adopted established emission standards for hydrocarbons (HC) and oxides of nitrogen (NOx), for non-handheld and handheld utility engines.

On or about March 28, 1996, the Tecumseh Products Company and the Toro Company, along with several servicing dealers, petitioned ARB to exempt snowthrowers and ice augers from

having to meet emission standards for HC and NOx, thereby leaving those products subject only to emission standards for carbon monoxide (CO). Finding merit to the petition, ARB is proposing to make the HC and NOx standards optional for snowthrowers and ice augers. This would align the California utility regulation with federal regulations that have been adopted by the United States Environmental Protection Agency (U.S. EPA)[1].

Off-Highway Recreational Vehicle Engines

The off-highway recreational vehicles and engines regulations were originally approved by ARB on January 14, 1994. These regulations include exhaust emission standards, and provisions for emission test procedures, engine label requirements, warranty, and compliance programs. Among other things, the regulations as initially adopted established a Tier I CO standard of 300 g/bhp-hr for specialty vehicles less than 25 horsepower, for calendar years 1995-1998.

On January 25, 1996, ARB amended the emission control regulations for 1995 and later utility and lawn and garden equipment engines as a result of a petition from the Briggs & Stratton Corporation. The amendment raised the Tier I CO standard, for Class I and Class II utility engines, from 300 g/bhp-hr to 350 g/bhp-hr for the 1996-1998 calendar years.

Staff is proposing to realign the CO emission standard for specialty vehicles, under 25 horsepower, with the recently adopted Tier I CO emission standard for the 1996-1998 utility engines. The realignment is necessary because manufacturers use the same engines for both specialty vehicles and utility equipment.

COMPARISON WITH SIMILAR FEDERAL REQUIREMENTS

As stated, U.S. EPA has promulgated regulations to control emissions from new nonroad spark ignition engines under 19 kilowatts (25 horsepower). In contrast to the utility regulations, however, the federal regulations only established a first tier of emission standards. These standards are similar to, but not identical to, the Tier I utility standards. Under section 209(e)(2) of the federal Clean Air Act (CAA), California may adopt independent standards, provided that it obtains authorization from the administrator of U.S. EPA. ARB requested and received authorization to adopt and enforce the utility regulations pursuant to Section 209(e) of the CAA.[2]

As initially adopted, the California regulations were fully applicable to snowthrowers and ice augers, making the California standards more stringent than under the federal regulations. The federal regulations exempted snowthrowers and ice augers from having to meet the HC and

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[1] Emission Standards for New Nonroad Spark Ignition Engines At or Below 19 Kilowatts. 40 CFR Parts 9 and 90, 60 Fed.Reg. 34582 (July 3, 1995).

[2] 60 Fed.Reg. 37440 (July 20, 1995).

NOx standards that were applicable to all other engines. The proposed amendments, applicable for engines used in snowthrowers and ice augers, would harmonize California's regulations with U.S. EPA's.

U.S. EPA does not have a classification for specialty vehicles. However, engines used in specialty vehicles are regulated under the emission standards for new nonroad spark ignition engines under 19 kilowatts (25 horsepower). (See 40 CFR Parts 9 and 90, 60 Fed. Reg. 34582 (July 3, 1995)). U.S. EPA is presently considering adopting amendments to its CO standard for Class I and Class II spark ignition engines, under 19 kilowatts, similar to the amendments proposed here and which have been previously adopted for Class I and II utility engines.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

ARB staff has prepared a Staff Report: Initial Statement of Reasons for the proposed actions which includes a summary of the environmental impacts of the proposals, if any. The Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990, at least 45 days prior to the scheduled hearing.

ARB staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below. ARB has determined that the amendment may affect small businesses, and the amendments have been drafted in plain English. Moreover a plain English summary of the amendments is contained in the Staff Report.

Further inquiries regarding this matter should be directed to Fernando Amador, Staff Engineer, On-Road Controls Section, at (818) 575-6635.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory actions will not create costs or savings, as defined in Government Code Section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with Section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on private persons and businesses. The proposed amendments are intended to facilitate compliance with the utility regulations as well as the off-highway recreational vehicles and engines regulations

and to assure continued availability of a full range of products to California businesses and individuals. Thus, the Executive Officer has determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code Section 11346.5(a)(9), on private persons or businesses directly affected resulting from the proposed actions.

The Executive Officer has further determined, pursuant to Government Code Section 11346.5(a)(8), that adoption of the proposed regulatory actions will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. A more detailed assessment of the economic impacts of the proposed regulatory actions can be found in the Staff Report.

In accordance with Government Code Section 11346.3, the Executive Officer has determined that the proposed regulatory actions will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within California, or the expansion of businesses currently doing business within California.

Finally, the Executive Officer has determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation may affect small businesses.

Before taking final action on the proposed regulatory actions, the Board must determine that no alternative considered by the agency 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.

SUBMITTAL OF COMMENTS

The public may present comments relating to these matters orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, September 25, 1996, or received by the Board Secretary at the hearing.

ARB requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. ARB 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 actions.

STATUTORY AUTHORITY AND HEARING PROCEDURES

These regulatory actions are proposed under that authority granted in Health and Safety Code Sections 39600, 39601, 43013 and 43018. These actions are proposed to implement, interpret and make specific Health and Safety Code Section 43013, and 43018.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with Section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial 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 such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

James D. Boyd
Executive Officer

Date: July 30, 1996