

APPENDIX II

STAFF'S PROPOSED MODIFICATIONS TO THE INCORPORATED TEST PROCEDURES

The following text shows the additional modifications to the previously proposed regulatory text. Unless otherwise indicated below, the originally proposed new provisions are shown in plain text, the proposed modifications made available for public comment on March 29, 2007, are shown in underline to indicate additions and strikeout to show deletions. The second set of modifications now being made available for public comment is shown in double underline to indicate additions and **~~italicized strikethrough~~** to indicate deletions. Only comments relating to the modifications described in this second notice will be considered by the Executive Officer.

State of California
AIR RESOURCES BOARD

CALIFORNIA EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES
FOR 1997 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND
ENGINES

Adopted: May 26, 1995
Amended: October 22, 1999
Amended: *<insert date of amendment here>*

NOTE: This document incorporates by reference, with noted modifications, sections of Subparts E and F, Part 86, Title 40, Code of Federal Regulations, and sections of Subparts B, C, F, and I, Part 1051, Title 40, Code of Federal Regulations. California provisions which replace specific federal provisions are denoted by the words "DELETE" for the federal language and "REPLACE WITH" or "ADD" for the new California language. The symbols "* * * * *" and "..." mean that the federal text that immediately follows the symbols is unchanged and incorporated by reference into the California Standards and Test Procedures. Sections of the federal regulations which are not listed are not part of the California Standards and Test Procedures. For completeness, additions to the federal regulations occurring since this document was last amended are also included.

CALIFORNIA EXHAUST EMISSIONS STANDARDS AND TEST PROCEDURES FOR 1997 AND LATER OFF-HIGHWAY RECREATIONAL VEHICLES AND ENGINES

The following provisions of Subpart E and F, Part 86, Title 40, Code of Federal Regulations, as adopted or amended by the U. S. Environmental Protection Agency on the date listed are adopted and incorporated herein by this reference as the California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway recreational vehicles and engines, except as altered or replaced by the provisions set forth below.

PART 86, CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES

Subpart E, General Provisions for Emission Regulations for 1978 and Later New Motorcycles

SOURCE: 42 FR 1126, Jan. 5, 1977, unless otherwise

86.402-78 Definitions. 49 FR 48138, Dec. 10, 1984

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ADD:

“Off-Road Sport Vehicle” means any off-highway motor vehicle that has all of the following features and characteristics: designed to travel on four wheels, having bench or bucket seating for one or more persons, having a steering wheel for steering control, designed for operation over rough terrain, having a rear payload ~~of less than 350 pounds~~ not exceeding 600 pounds, having an internal combustion engine with a displacement less than or equal to one liter, and is capable of speeds 25 miles per hour or more. Vehicles otherwise meeting the definition for sand cars but powered by an engine with a displacement less than or equal to one liter are considered off-road sport vehicles.

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Comment: The modified text in section 86.402-78 is a technical modification that more accurately describes the payload capacity of these new types of off-road recreational vehicles. This change reflects the Board’s intent to include this vehicle into California’s off-highway recreational vehicle regulation. It is also consistent with the information received in the first 15-day public comment period.

The following provisions of Subparts A, B, C, F, and I, Part 1051, Title 40, Code of Federal Regulations, as adopted or amended by the U. S. Environmental Protection Agency on the date listed are adopted and incorporated herein by this reference as the California Exhaust Emission Standards and Test Procedures for 1997 and Later Off-Highway recreational vehicles and engines. The following modifications generally substitute California references for federal references, but do not change any standard, implementation, or test procedure related to the evaporative control requirements found in the incorporated subparts of the federal regulation.

PART 1051, CONTROL OF EMISSIONS FROM RECREATIONAL ENGINES AND VEHICLES

Subpart A, Determining How to Follow This Part

1051.5. Which engines are excluded or exempted from this part's requirements?

DELETE

REPLACE WITH:

You may exclude vehicles with compression-ignition engines.

Subpart B, Emission Standards and Related Requirements

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Comment: The addition of subpart A and section 1051.5 is intended to clarify that compression-ignition off-highway recreational vehicles are not subject to the evaporative emission standards contained in this regulation. There was no intent in the staff's original proposal to expand the California's OHRV evaporative emission requirements beyond those contained in the federal rule. This change is consistent with the information received in the first 15-day public comment period.