State of California
AIR RESOURCES BOARD

Final Statement of Reasons for Rulemaking Including
Summary of Comments and Agency Response

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

Public Hearing Date: September 26, 1996
Agenda Item No.: 96-07-03

I. GENERAL

The Staff Report: Initial Statement of Reasons for the Proposed Rulemaking: ("Staff Report"), released August 9, 1996, is incorporated herein by reference.

At the public hearing on September 26, 1996, the Air Resources Board ("ARB") by Resolution 96-47 adopted amendments to its regulations for 1995 and later utility and lawn and garden equipment engines (utility regulations; Title 13, California Code of Regulations (CCR), section 2403) and its regulations for 1996-1998 off-highway recreational vehicles and engines (recreational vehicle regulations; Title 13, CCR, section 2412). Resolution 96-47 is attached hereto and incorporated by reference herein. Specifically, ARB amended the utility regulations to provide manufacturers of engines used in snowthrowers and ice augers the option of not having to certify to the hydrocarbon (HC) and oxides of nitrogen (NOX) standards. ARB amended the recreational vehicle regulations to increase the carbon monoxide (CO) standard from 300 g/bhp-hr to 350 g/bhp-hr for engines used in specialty vehicles that are under 25 horsepower and manufactured after the effective date of the amendments through calendar year 1998. The Board adopted the amendments as originally proposed in the public notice and Staff Report, with no modifications.[1]

---

[1] Through inadvertent clerical error, the proposed amendments to Title 13, CCR, section 2412 failed to correctly identify all of the new proposed language by underline. The error, however, is nonprejudicial for several reasons. First, the standards that were incorrectly identified, HC and NOx , for the time period "[date of amendment-1998" remained unchanged. The standard merely reflects that the same standards were applicable both prior to and after the effective date of the amendment. Second, both the Notice of Public Hearing and the Staff Report correctly identified and fully explained the extent of the amendments -- that is, the HC and NOx standards remained unchanged. Comments that were received from Collier, Shannon, Rill & Scott, PLLC representing the Outdoor Power Equipment Institute ("OPEI") and the Engine Manufacturers Association ("EMA"), the two industry associations directly affected by the amendments, clearly reflects that no misunderstanding or prejudicial error exists as to the scope of the proposed amendments.

The Staff Report indicated that at the time of issuance, the U.S. EPA was considering a petition to revise its CO standard for small spark-ignited engines. U.S. EPA recently promulgated a final rule that revises the federal CO standard and aligns the federal and state standards for such engines.[2] The amendment to the CO standard for engines used in specialty vehicles would align that standard with the present CO standard for other small offroad engines.

Pursuant to Government Code section 11246.9(a)(2), ARB has determined that this regulatory action will not result in a mandate to any local agency or school district.

Pursuant to Government Code section 11346.9(a)(4), ARB has further determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the regulatory action was proposed or would be as effective and less burdensome to affected private persons, than the action taken by ARB.

II. SUMMARY OF COMMENTS AND AGENCY RESPONSES

During the 45-day public comment period, ARB received only one written comment. Collier, Shannon, Rill & Scott, PLLC representing the Outdoor Power Equipment Institute ("OPEI") and the Engine Manufacturers Association ("EMA") fully supported the amendments as proposed and eventually adopted. No interested party commented at the public hearing.

---

[2] *Class I and II Nonhandheld New Nonroad Phase 1 Small Spark-Ignition Engines; Revised Carbon Monoxide (CO) Standard; Final Rule,* 61 Fed.Reg. 58295 (November 13, 1996). See recent amendments to Title 13, CCR, section 2403(b), approved by the Office of Administrative Law on August 29, 1996.