

State of California
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text and
Availability of Additional Documents**

**PUBLIC HEARING TO CONSIDER REGULATIONS FOR PORTABLE OUTBOARD
MARINE TANKS AND COMPONENTS**

Public Hearing Date: September 25, 2008
Public Availability Date: February 4, 2009
Deadline for Public Comment: February 19, 2009

At its September 25, 2008, public hearing, the Air Resources Board (ARB or the Board) approved the adoption of sections 2468-2468.10, title 13, California Code of Regulations (CCR), Chapter 9, Article 6.5 and the incorporated certification and test procedures for portable outboard marine tanks and components (OMT). See Resolution 08-33, Attachment I. The approved regulation, certification procedure and, test procedures are:

Article 6.5	Regulation Order Portable Outboard Marine Tanks and Procedures
CP-510	Certification Procedure for Portable Outboard Marine Tanks and Components
TP-511	Diurnal Rate from Portable Outboard Marine Tanks
TP-512	Permeation Rate from Portable Outboard Marine Tank Fuel Hoses and Portable Outboard Marine Tank Primer Bulbs

At the hearing, the staff presented, and the Board approved, modifications to the certification procedure and test procedures originally proposed in the Staff Report released on August 8, 2008, in response to continuing review and comments received since the Staff Report was published. The modifications affect the text of certification procedure CP – 510 and test procedures TP – 511 and TP – 512. Those modifications, as well as other minor conforming modifications, are contained in Attachment II and are available for comment during the period noted above and are summarized below:

Summary of Proposed Modifications

Modification to CP-510

Section 2 of CP-510 was modified from original noticing to provide clarity to the affected industry regarding the test results that ARB will accept for certification. The modifications clarify for the affected industry that test results used for Federal certification can also be used for California certification. This change was made at the request of affected industry to reduce costs associated with certification by eliminating duplicative testing.

Modification to TP-511 and TP-512

As originally noticed section 5.7 of TP-511 and section 5.6 of TP-512, both titled Test Fuel, required the use of E-10, which was defined as 90% fuel complying with California Phase 3 Reformulated Gasoline requirements with 10% +/- 0.5% by volume Ethanol. The modified text replaces E-10 with CE10, which is a blend of 45% toluene, 45% isooctane, and 10% ethanol that has been standardized in the American Society of Testing and Materials publication D471-98 (ASTM D471-98) as a reference fuel for evaluating the evaporative permeability of fuel-containing materials. This change was made because a specification for California Phase 3 Reformulated Gasoline does not presently exist.

Conforming Modification

In CP-510, the citation form for the Federal Register citation was modified.

Additional Supporting Documents Being Made Available

In accordance with Government Code section 11347.1 and Title 1, CCR, § 2(c)(3) and § 44, staff has added two additional documents to the rulemaking file. The first document is 40 CFR Part 1060 subpart F, which is incorporated by reference in CP-510 as modified. This document is readily available at numerous internet web sites, including within the cited Federal Register notice available at <http://edocket.access.gpo.gov/2008/pdf/E8-21093.pdf>. The second document is identified as American Society of Testing and Materials publication D471-98 (ASTM D471-98). This document is referenced in the proposed modifications to TP-511 and TP-512 described above. This ASTM publication can be acquired by visiting the ASTM internet web site at <http://www.astm.org>. Both documents are available for inspection at the postal mailing address noted herein.

Board Resolution 08-33 sets forth the Board's action approving the adoption of sections 2468, 2468.1, 2468.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9 and 2468.10 within Title 13, California Code of Regulations, Chapter 9, Article 6.5. The Resolution and the text of the regulations and incorporated certification and test procedures, as proposed for modification, are available on the Board's Web site at:

<http://www.arb.ca.gov/regact/2008/omt2008/omt2008.htm>

Copies of these documents can also be obtained by contacting Mr. LaMar Mitchell at (916) 445-9371.

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt new sections 2468, 2468.1, 2468.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9 and 2468.10, Title 13, California Code of Regulations, Chapter 9, Article 6.5 and the incorporated certification and test procedures for portable outboard marine tanks and components, CP-519, TP-511 and TP-512, as modified, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written

comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the modifications approved by the Board and may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Attachments