

State of California  
AIR RESOURCES BOARD

**EXECUTIVE ORDER R-09-002**

*Relating to Adoption of Regulation for the Certification, Performance Standards, and Test Procedures for Portable Outboard Marine Tanks and Components*

WHEREAS, on September 25, 2008, the Air Resources Board (ARB or Board) conducted a public hearing to consider adoption of new sections to the California Code of Regulations and test procedures for portable outboard marine tanks and components, as set forth in the Initial Statement of Reasons released to the public on August 8, 2008;

WHEREAS, following the public hearing on September 25, 2008, the Board adopted Resolution 08-33 in which the Board approved the new regulations to California Code of Regulations, title 13, 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, as set forth in Attachment A thereto, and approved the adoption of "CP-510 Certification Procedure for Portable Outboard Marine Tanks and Components" incorporated by reference in sections 2468.1, 2468.2 and 2468.8, as set forth in Attachment B thereto, "TP-511 Diurnal Rate from Portable Outboard Marine Tanks" incorporated by reference in section 2468.8 as set forth in Attachment C thereto, and "TP-512 Permeation Rate from Portable Outboard Marine Tank Fuel Hoses and Portable Outboard Marine Tank Primer Bulbs" incorporated by reference in section 2468.8, as set forth in Attachment D thereto, all with the modifications set forth in Attachment E thereto;

WHEREAS, Resolution 08-33 directed the Executive Officer to take final action to adopt the new regulations set forth in Attachments A, B, C, and D, to Resolution 08-33, including the suggested modifications in Attachment E, and such other conforming modifications as may be appropriate, to make the modified regulatory language and any additional supporting documents and information available to the public for a period of at least 15 days, to consider such written comments as may be submitted during this period, and to make such modifications as may be appropriate in light of the comments received, or to present the regulatory amendments to the Board for further consideration if he determines that this is warranted;

WHEREAS, on February 4, 2009, the modified regulations, reflecting the amendments approved by the Board and other changes made to best reflect the intent of the Board at the hearing, were made available for public comment for a period of 15 days, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, no written comments were received during the 15-day comment period.

NOW, THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 08-33 are incorporated by reference herein.

IT IS FURTHER ORDERED in accordance with Resolution 08-33, that California Code of Regulations, title 13, chapter 9, article 6.5, sections 2468, 2468.1, 2468.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9 and 2468.10, and adoption of "CP-510 Certification Procedure for Portable Outboard Marine Tanks and Components", "TP-511 Diurnal Rate from Portable Outboard Marine Tanks", and "TP-512 Permeation Rate from Portable Outboard Marine Tank Fuel Hoses and Portable Outboard Marine Tank Primer Bulbs", are adopted as set forth in Attachments 1,2,3, and 4 respectively, hereto.

Executed this 20th day of July 2009, at Sacramento, California.

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James N. Goldstene  
Executive Officer

Attachments