

Executive Order R-22-004

Relating to Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions

Whereas, on December 9, 2021, the California Air Resources Board (CARB or Board) conducted a public hearing to consider the Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions, as set forth in Appendices A through G to the Staff Report: Initial Statement of Reasons (Staff Report or ISOR) released to the public on October 12, 2021;

Whereas, on December 9, 2021, pursuant to CARB's certified regulatory program regulations (Title 17 CCR sections 60000-60007), as certified by the Secretary for Natural Resources under Public Resources Code section 21080.5 of the California Environmental Quality Act (CEQA), the Board reviewed and considered an addendum to the final Environmental Analysis for the Revised Proposed 2016 State Strategy for the State Implementation Plan, certified by the Board in March 2017 (2017 EA) and the 2017 EA, included as an appendix in the Staff Report, determined that for the Proposed Amendments, CARB can rely on the 2017 EA, and no additional environmental review is required because the record evidence shows that the Proposed Amendments will not result in new significant adverse environmental impacts or a substantial increase in severity of previously identified significant adverse impacts, as described in Chapter V of the Staff Report;

Whereas, following the public hearing, the Board adopted Resolution 21-28 in which the Board approved for adoption amendments to Title 13 CCR sections 2400, 2401, 2402, 2403, 2404, 2405, 2405.1, 2405.2, 2405.3, 2406, 2407, 2408, 2408.1, 2750, 2752, 2753, 2754, 2754.1, 2754.2, 2755, 2756, 2757, 2758, 2759, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, and 2771, addition of Title 13 CCR sections 2408.2 and 2754.3, and repeal of Title 13 CCR section 2768, as set forth in Appendices A and B, and the documents incorporated by reference by these regulations, as set forth in Appendices C through G to the Staff Report;

Whereas, Resolution 21-28 directed the Executive Officer to make any additional conforming modifications deemed appropriate available for public comment, with any additional supporting documents and information, for a period of at least 15 days. The Executive Officer was directed to consider written comments submitted during the public review period and make any additional appropriate conforming modifications available for public comment for at least 15 days, and to take final action to adopt the Proposed Amendments after addressing all appropriate modifications or present the Proposed Amendments to the Board for further consideration if warranted;

Whereas, modified regulatory language and supporting documentation were circulated for 15-day public comment periods, with the changes to the originally proposed text clearly indicated, according to provisions of California Code of Regulations, title 1, section 44 and

Government Code section 11340.85, from March 30, 2022, through April 14, 2022, and May 27, 2022, through June 13, 2022;

Whereas, a number of written comments were received during the initial 45-day comment period and supplemental 15-day comment periods, and those comments were considered by the Executive Officer; and

Whereas, based on substantial evidence in the record there is no possibility the modifications to the regulation or the additional documents added to the record made available for 15-day public comment periods after the Board hearing could affect the conclusion of the environmental analysis included in the Staff Report, so no additional environmental analysis was required prior to approval of the modifications to the regulation and inclusion of the additional documents and no additional comments raising significant environmental issues were received during the 15-day public comment periods.

Now, Therefore, It Is Ordered that the recitals and findings contained in Resolution 21-28 are incorporated herein.

It Is Further Ordered that sections 2400, 2401, 2402, 2403, 2404, 2405, 2405.1, 2405.2, 2405.3, 2406, 2407, 2408, 2408.1, 2408.2, 2750, 2751, 2752, 2753, 2754, 2754.1, 2754.2, 2754.3, 2755, 2756, 2757, 2758, 2759, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, and 2771, Title 13 CCR, which incorporate by reference the following documents: "Small Off-Road Engine Evaporative Emissions Test Procedure, TP-901, Test Procedure for Determining Permeation Emissions from Small Off-Road Engine Fuel Tanks," incorporated by reference in Title 13 CCR sections 2755(b) and 2758(b)(4)(A)2; "Small Off-Road Engine Evaporative Emissions Test Procedure, TP-902, Test Procedure for Determining Evaporative Emissions from Small Off-Road Engines," incorporated by reference in Title 13 CCR section 2758(a)(4)(B); "Small Off-Road Engine Evaporative Emission Control System Certification Procedure, CP-902, Certification Procedure for Evaporative Emission Control Systems on Small Off-Road Engines," incorporated by reference in Title 13 CCR section 2753(a); "California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054)," incorporated by reference in Title 13 CCR section 2403(d); "California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065)," incorporated by reference in Title 13 CCR sections 2403(d); are adopted as set forth in the Attachments to this Order and that section 2768, Title 13 CCR, is hereby repealed as set forth in the Attachments to this Order.

It Is Further Ordered that the adopted regulatory text may be further revised with non-substantial or grammatical changes, which will be added to the rulemaking record and indicated as such.

Executed this 1st day of August at Sacramento, California.



Edie Chang
Deputy Executive Officer

Attachments