

# Appendix A

## Final Regulation Order

### Section 100 Changes to Title 13

[Note: This version of the proposed amendments to Title 13 California Code of Regulations (CCR) complies with Government Code section 11346.2 subdivision (a)(3). The existing, original regulatory language currently adopted into the CCR is shown in "normal type." The proposed amendments subject to this filing are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. The symbol "\* \* \* \* \*" means that intervening text not proposed for amendment is not shown. Vertical lines in the left margins are to flag where changes are proposed for ease of reference and are not part of the proposed amendments. The proposed amendments are being presented in two versions. For ease of readability, and to review the proposed amendments in an Accessible format that can toggle between amendments in strikeout/underline and a "clean" version with amendments incorporated into the regulatory text, please refer to the Word version of this Proposed Regulation Order.]

## Title 13. Motor Vehicles

### Division 3. Air Resources Board

- Section 1902. Test Procedures.
- Section 1903. Plans Submitted.
- Section 1950. Requirements.
- Section 1961.3. Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.
- Section 1971.5. Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines.
- Section 2030. Liquefied Petroleum Gas or Natural Gas Retrofit Systems.
- Section 2039. Emissions Control System Warranty Statement.
- Section 2062. Assembly-Line Test Procedures--1998 and Subsequent Model Years.
- Section 2101. Compliance Testing and Inspection--New Vehicle Selection, Evaluation, and Enforcement Action.
- Section 2206. Fee Schedule.
- Section 2209.4. Requirements for SPMV Manufacturers.
- Section 2213. Emission Control Labels -- Certified Engine Packages for Use in Specially Constructed Vehicle Engines.
- Section 2257. Required Additives in Gasoline.
- Section 2266.5. Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending.
- Section 2409. Emission Reduction Credits -- Production Credit Program for New Engines.
- Section 2419.2. Evaporative Emissions Control System Warranty Statement.
- Section 2419.4. Evaporative Emissions Control System Testing and Certification Requirement.
- Section 2423. Exhaust Emission Standards and Test Procedures--Off-Road Compression-Ignition Engines.
- Section 2427. Production Engine Testing, Selection, Evaluation, and Enforcement Action.

- Section 2432. Test Procedures.
- Section 2433. Emission Standards and Test Procedures -- Off-Road Large Spark-Ignition Engines.
- Section 2437. New Engine Compliance and Production Line Testing -- New Off-Road Large Spark-Ignition Engines Selection, Evaluation, and Enforcement Action.
- Section 2438. In-Use Compliance Program.
- Section 2439. Procedures for In-Use Engine Recalls for Large Off-Road Spark-Ignition Engines with an Engine Displacement Greater Than 1.0 Liter.
- Section 2444.1. In-Use Compliance Testing and Recall Regulations -- Model Year 2001 and Later Spark-Ignition Marine Engines.
- Section 2446. 2001 and Later Model Year Production-Line Test Procedures and Selective Enforcement Auditing Regulations for Spark-Ignition Marine Engines.
- Section 2447. California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines.
- Section 2702. Application Process.
- Section 2703. Emission Testing Requirements.
- Section 2707. Warranty Requirements.
- Section 2709. In-Use Compliance Requirements.
- Section 2782. Application Process.
- Section 2783. Emissions Reduction Testing Requirements.
- Section 2784. Durability Demonstration Requirements.
- Section 2787. Warranty Requirements.
- Section 2789. In-Use Compliance Requirements.

## Final Regulation Order

[Note: The amendments to existing regulatory language are shown in strikethrough to indicate deletions and underline to indicate additions. The symbol “\* \* \* \* \*” means that intervening text not proposed for amendment is not shown.]

Amend sections 1902, 1903, 1950, 1961.2, 1961.3, 1971.5, 2030, 2039, 2062, 2101, 2206, 2209.4, 2213, 2257, 2266.5, 2409, 2419.2, 2419.4, 2423, 2427, 2432, 2433, 2437, 2438, 2439, 2444.1, 2446, 2447, 2702, 2703, 2707, 2709, 2782, 2783, 2784, 2787, and 2789, title 13, California Code of Regulations, to read as follows:

### Chapter 1. Motor Vehicle Pollution Control Devices

#### Article 1. General Provisions

##### § 1902. Test Procedures.

Test procedures referred to in this chapter may be obtained from the ~~State~~California Air Resources Board at ~~9528 Telstar~~4001 Iowa Avenue, ~~El Monte, California~~91734Riverside, CA 92507.

Note: Authority cited: Sections 39600, 39601 and 43000, Health and Safety Code.  
Reference: Sections 43011, 43101, 43104 and 43600, Health and Safety Code.

##### § 1903. Plans Submitted.

\* \* \* \* \*

Plans may be submitted to the California Air Resources Board at ~~9528 Telstar~~4001 Iowa Avenue, ~~El Monte, California~~91734Riverside, CA 92507.

Note: Authority cited: Sections 39600, 39601 and 43000, Health and Safety Code.  
Reference: Sections 39002, 39003, 39500, 43000 and 43011, Health and Safety Code; and Section 27156, Vehicle Code.

#### Article 2. Approval of Motor Vehicle Pollution Control Devices (New Vehicles)

##### § 1950. Requirements.

\* \* \* \* \*

- (d) Nothing in this part shall preclude or deny to any State or political subdivision thereof the right otherwise to control, regulate, or restrict the use, operation, or movement of registered or licensed motor vehicles.”

Information regarding waivers of federal preemption for the new motor vehicle and new motor vehicle engine emission standards and accompanying enforcement procedures included in this article may be obtained from the California Air Resources Board at 9528 Telstar 4001 Iowa Avenue, El Monte, California 91734~~Riverside, CA 92507.~~

Note: Authority cited: Sections 39600, 39601 and 43100, Health and Safety Code.  
Reference: Sections 39002, 39003, 43000 and 43011, Health and Safety Code.

**§ 1961.3. Greenhouse Gas Exhaust Emission Standards and Test Procedures - 2017 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Passenger Vehicles.**

\* \* \* \* \*

(a) Greenhouse Gas Emission Requirements.

\* \* \* \* \*

(3) *Alternative Fleet Average Standards for Manufacturers with Limited U.S. Sales.* Manufacturers meeting the criteria in this subsection (a)(3) may request that the Executive Officer establish alternative fleet average CO2 standards that would apply instead of the standards in subsection (a)(1).

\* \* \* \* \*

(C) How to Request Alternative Fleet Average Standards. Eligible manufacturers may petition for alternative standards for up to five consecutive model years if sufficient information is available on which to base such standards.

\* \* \* \* \*

4. A manufacturer may elect to petition for alternative standards under this subsection (a)(3)(C) by submitting to CARB a copy of the data and information submitted to EPA as required under 40 CFR § 86.1818-12(g), incorporated by reference in and amended by the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” and the EPA approval of the manufacturer’s request for alternative fleet average

standards for the 2017 through 2025 MY National Greenhouse Gas Program.

- (D) *Data and Information Submittal Requirements.* Eligible manufacturers requesting alternative standards under subsection (a)(3) must submit the following information to the California Air Resources Board. The Executive Officer may request additional information as s/he deems appropriate. The completed request must be sent to the California Air Resources Board at the following address: Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, California Air Resources Board, 9480 ~~Telstar~~4001 Iowa Avenue, ~~Suite 4, El Monte, California~~ 91734Riverside, CA 92507.

\* \* \* \* \*

- (5) *Calculation of Fleet Average Carbon Dioxide Value.*

- (A) For each unique combination of model type and footprint value, a manufacturer shall calculate a combined city/highway CO2 exhaust emission value as follows:

$$0.55 \times \text{City CO2 Value} + 0.45 \times \text{Highway CO2 Value}$$

“City” CO2 exhaust emissions shall be measured using the FTP test cycle (40 CFR, Part 86, Subpart B), as amended by the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. “Highway” CO2 exhaust emission shall be measured using the using the Highway Fuel Economy Test (HWFET; 40 CFR 600 Subpart B).

\* \* \* \* \*

- (f) *Definitions Specific to this Section.* The following definitions apply to this section 1961.3:

\* \* \* \* \*

- (19) “GWP” means the global warming potential of the refrigerant over a 100-year horizon, as specified in Intergovernmental Panel on Climate Change (IPCC) 2007: Climate Change 2007 -- The Physical Science Basis. S. Solomon et al. (editors), Contribution of Working Group I to the Fourth

Assessment Report of the Intergovernmental Panel on Climate Change, Cambridge University Press, Cambridge, UK and New York, NY, USA, ISBN 0-521-70596-7, or determined by CARB if such information is not available in the IPCC Fourth Assessment Report.

\* \* \* \* \*

- (31) "SC03" means the SC03 test cycle as set forth in the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

\* \* \* \* \*

- (36) "US06" means the US06 test cycle as set forth in the "California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles.

NOTE: Authority cited: Sections 38550, 38566, 39500, 39600, 39601, 43013, 43018, 43018.5, 43101, 43104 and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 39667, 43000, 43009.5, 43013, 43018, 43018.5, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106 and 43211, Health and Safety Code.

**§ 1971.5 Enforcement of Malfunction and Diagnostic System Requirements for 2010 and Subsequent Model-Year Heavy-Duty Engines.**

\* \* \* \* \*

- (d) Remedial Action.

\* \* \* \* \*

- (6) *Notice to Manufacturer for an Ordered Remedial Action.*

\* \* \* \* \*

- (B) For remedial actions other than the assessment of monetary penalties, the notice must:

\* \* \* \* \*

- (iii) set forth the factual bases for the determination, and (iv) designate a date at least 45 days from the date of receipt of

such notice by which the manufacturer shall submit a plan, pursuant to section (e)(1) below, outlining the remedial action to be undertaken consistent with the Executive Officer's order. Except as provided in section (d)(7)(C) below, all plans shall be submitted to the Chief, Emissions Certification and Compliance Division, ~~9480 Telstar~~4001 Iowa Avenue, Suite 4, El Monte, California 91731~~Riverside, CA 92507~~ (or the mailing address indicated in the notice), within the time limit specified in the notice. The Executive Officer may grant the manufacturer an extension of time for good cause.

\* \* \* \* \*

NOTE: Authority cited: Sections 38501, 38510, 39010, 39600, 39601, 39602.5, 43000.5, 43013, 43016, 43018, 43100, 43101, 43104, 43105, 43105.5, 43106, 43154, 43211 and 43212, Health and Safety Code. Reference: Sections 38501, 38505, 38510, 39002, 39003, 39010, 39018, 39021.5, 39024, 39024.5, 39027, 39027.3, 39028, 39029, 39031, 39032, 39032.5, 39033, 39035, 39037.05, 39037.5, 39038, 39039, 39040, 39042, 39042.5, 39046, 39047, 39053, 39054, 39058, 39059, 39060, 39515, 39600, 39601, 39602.5, 43000, 43000.5, 43004, 43006, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43150, 43151, 43152, 43153, 43154, 43155, 43156, 43204, 43211 and 43212, Health and Safety Code.

**Article 5. Approval of Systems Designed to Convert Motor Vehicles to Use Fuels Other than the Original Certification Fuel or to Convert Motor Vehicles for Emission Reduction Credit or to Convert Hybrid Electric Vehicles to off-Vehicle Charge Capable Hybrid Electric Vehicles**

**§ 2030. Liquefied Petroleum Gas or Natural Gas Retrofit Systems.**

\* \* \* \* \*

(c) Expedited Approval Provisions.

A manufacturer of new 2004 or subsequent model year passenger cars, light-duty trucks, medium-duty vehicles or heavy-duty engines or vehicles that are fueled by alternative fuels, as defined in title 13, California Code of Regulations, Chapter 5, Standards for Motor Vehicle Fuels, sections 2290- 2293.5 that obtains a new vehicle or engine certification from CARB may request certification of an alternative fuel retrofit system that is identical in configuration to the fuel system in the California certified vehicle or engine under the "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for 2004 and Subsequent Model Year On-Road Motor Vehicles and Engines." The manufacturer may request approval to carry-over or carry-across data used to



obtain California certification of a new vehicle or new engine to demonstrate compliance with the emission testing requirements specified under the "California Certification and Installation Procedures for Alternative Fuel Retrofit Systems for 2004 and Subsequent Model Year On-Road Motor Vehicles and Engines." For purposes of this provision, the term "identical" means that all engine parts on the alternative fuel retrofit system that affect emissions must be of the same design, specifications, and tolerances as those of the fueling system as disclosed in the manufacturer's certification application for the new vehicle or new vehicle engine.

NOTE: Authority cited: Sections 39515, 39600, 39601 and 43006, Health and Safety Code. Reference: Sections 43000, 43004, 43006, 43008.6, 43013 and 43108, Health and Safety Code; and Sections 27156, 38391 and 38395, Vehicle Code.

## **Article 6. Emission Control System Warranty**

### **§ 2039. Emissions Control System Warranty Statement.**

- (a) Each manufacturer shall furnish a copy of the following statement with each new 1991 and subsequent model vehicle or engine produced after January 24, 1991, using those portions of the statement applicable to the vehicle or engine. This statement shall be included with and preceded the manufacturer's warranty statement required in subsection (b), unless otherwise authorized by the Executive Officer.

#### **CALIFORNIA EMISSION CONTROL WARRANTY STATEMENT YOUR WARRANTY RIGHTS AND OBLIGATIONS**

The California Air Resources Board (and manufacturer's name, optional) is pleased to explain the emission control system warranty on your (year) (vehicle, truck, or motorcycle). In California, new motor vehicles must be designated, built and equipped to meet the State's stringent anti-smog standards. (Manufacturer's name) must warrant the emission control system on your (vehicle, truck, or motorcycle) for the periods of time listed below provided there has been no abuse, neglect or improper maintenance of your (vehicle, truck, or motorcycle).

Your emission control system may include parts such as the carburetor or fuel-injection system, the ignition system, catalytic converter, and engine computer. Also included may be hoses, belts, connectors and other emission-related assemblies. Where a warrantable condition exists, (manufacturer's name) will repair your (vehicle, truck, or motorcycle) at no cost to you including diagnosis, parts and labor.

MANUFACTURER'S WARRANTY COVERAGE:

[For 1990 and subsequent model passenger cars, light-duty trucks, and medium-duty vehicles.]

- For 3 years or 50,000 miles (or a longer period of time or mileage, optional) (whichever first occurs);

1) If your (vehicle or truck) fails a Smog Check inspection, all necessary repairs and adjustments will be made by (manufacturer's name) to ensure that your emission control system PERFORMANCE WARRANTY.

2) If any emission-related part on your (vehicle or truck) is defective, the part will be repaired or replaced by (manufacturer's name). This is your short-term emission control system DEFECTS WARRANTY.

- For 7 years or 70,000 miles (or a longer period of time or mileage, optional) (Whichever first occurs);

1) If an emission-related part listed in this warranty booklet specially noted with coverage for 7 years or 70,000 miles is defective, the part will be repaired or replaced by (manufacturer's name). This is your long-term emission control system DEFECTS WARRANTY.

#### OWNER'S WARRANTY RESPONSIBILITIES:

- As the (vehicle, truck, or motorcycle) owner, you are responsible for the performance of the required maintenance listed in your owner's manual. (manufacturer's name) recommends that you retain all receipts covering maintenance on your (car, truck, or motorcycle), but (manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of all scheduled maintenance.

- You are responsible for presenting your (vehicle, truck, or motorcycle) to a (manufacturer's name) dealer as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

- As the (vehicle, truck, or motorcycle) owner, you should also be aware that (manufacturer's name) may deny you warranty coverage if your (vehicle, truck, or motorcycle) or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen manufacturer's contact) at 1-XXX-XXXX or the California Air Resource Board at ~~9528 Telstar~~ 4001 Iowa Avenue, El Monte Riverside, CA 91731 92507.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 43106, 43204, 43205, 44004, 44010, 44011, 44012, 44014, and 44015, Health and Safety Code.

## **Chapter 2. Enforcement of Vehicle Emission Standards and Surveillance Testing**

### **Article 1. Assembly-Line Testing**

#### **§ 2062. Assembly-Line Test Procedures--1998 and Subsequent Model Years.**

New 1998 through 2000 model-year passenger cars, light-duty trucks, and medium-duty vehicles, subject to certification and manufactured for sale in California, except for zero-emission vehicles and medium-duty vehicles certified according to the optional standards and test procedures of section 1956.8, Title 13, California Code of Regulations, shall be tested in accordance with the "California Assembly-Line Test Procedures for 1998 Through 2000 Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," adopted June 24, 1996, as last amended August 5, 1999, which is incorporated herein by reference. New 2001 and subsequent model-year passenger cars, light-duty trucks, and medium-duty vehicles, subject to certification and manufactured for sale in California, except for zero-emission vehicles and medium-duty vehicles certified according to the optional standards and test procedures of Section 1956.8, Title 13, California Code of Regulations, shall be tested in accordance with the "California Assembly-Line Test Procedures for 2001 and Subsequent Model-Year Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles." adopted August 5, 1999, which is incorporated herein by reference. These test procedures shall also apply to federally certified light-duty motor vehicles, except as provided in "Guidelines for Certification of 1983 Through 2002 Model-Year Federally Certified Light-Duty Motor Vehicles for sale in California," adopted July 20, 1982, as last amended July 30, 2002, and the "Guidelines for Certification of 2003 and Subsequent Model-Year Federally Certified Light-Duty Motor Vehicles for sale in California," adopted July 30, 2002, which are incorporated herein by reference.

NOTE: Authority cited: Sections 39515, 39600, 39601, 43013, 43018, 43101, 43104 and 43210, Health and Safety Code. Reference: Sections 39002, 39003, 39500, 43000, 43013, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43204, 43210, 43211 and 43212, Health and Safety Code.

### **Article 2. Enforcement of New and in-Use Vehicle Standards**

#### **§ 2101. Compliance Testing and Inspection--New Vehicle Selection, Evaluation, and Enforcement Action.**

- (a) The executive officer may, with respect to any new vehicle engine family, test group or subgroup being sold, offered for sale, or manufactured for sale in

California, order a vehicle manufacturer to make available for compliance testing and/or inspection a reasonable number of vehicles, and may direct that the vehicles be delivered to the ~~state board at the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California.~~ California Air Resources Board at the Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, Riverside, CA 92507. Vehicles shall be selected at random from sources specified by the executive officer according to a method approved by him/her, which insofar as practical shall exclude (1) vehicles manufactured pursuant to the specific order of an ultimate purchaser or (2) vehicles the selection of which, if not excluded, would result in an unreasonable disruption of the manufacturer's distribution system.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601 and 43104, Health and Safety Code.  
Reference: Sections 39002, 39003, 39500, 43000, 43106, 43202, 43210, 43211 and 43212, Health and Safety Code.

#### **Chapter 4. Criteria for the Evaluation of Motor Vehicle Pollution Control Devices and Fuel Additives**

##### **Article 1. Fuel Additives and Prototype Emission Control Devices**

###### **§ 2206. Fee Schedule.**

\* \* \* \* \*

(b) Collection of Fees. All fee remittances are to be made payable to State of California, California Air Resources Board, 4001 Iowa Avenue, El Monte Riverside, CA 9173192507.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601 and 43833, Health and Safety Code.  
Reference: Sections 39002, 39003, 39500, 43000 and 43204, Health and Safety Code; and Section 27156, Vehicle Code.

##### **Article 1.4. Light-Duty Engine Packages for Use in New Light-Duty Specially-Produced Motor Vehicles**

###### **§ 2209.4. Requirements for SPMV Manufacturers.**

\* \* \* \* \*

- (b) SPMV manufacturers planning to commence installation of a certified engine package in California for the first time shall send a "Letter of Intent" to commence such installation to:

CHIEF

EMISSIONS CERTIFICATION AND COMPLIANCE DIVISION

CALIFORNIA AIR RESOURCES BOARD

~~9480 TELSTAR~~4001 IOWA AVENUE, SUITE 4

~~EL MONTE~~RIVERSIDE, CA 91731-92507

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106 and 43205, Health and Safety Code; and Section 580, Vehicle Code.

#### **Article 1.5. Light-Duty Engine Packages for Use in Light-Duty Specially Constructed Vehicles**

##### **§ 2213. Emission Control Labels -- Certified Engine Packages for Use in Specially Constructed Vehicle Engines.**

- (a) *Purpose.* ~~The ARB~~CARB recognizes that certain emissions-related parts must be properly identified and maintained in order for certified engine packages to comply with the applicable emissions standards. The purpose of this section is to require manufacturers to provide a label to the ultimate purchaser that provides vehicle owners and service mechanics with information needed to properly maintain certified engine packages.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43000, 43100, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 39002, 39003, 43000, 43100, 43101, 43102, 43104, 43105, 43106 and 43205, Health and Safety Code; and Section 580, Vehicle Code.

#### **Chapter 5. Standards for Motor Vehicle Fuels**

##### **Article 1. Standards for Gasoline**

##### **Subarticle 1. Gasoline Standards that Became Applicable Before 1996**

##### **§ 2257. Required Additives in Gasoline.**

(a) Regulatory Standard.

\* \* \* \* \*

- (3) Subsection (a)(1)[ii] shall not apply to the sale, supply, or offer of gasoline from a final distribution facility where the person selling, supplying, or offering the gasoline demonstrates that the gasoline will be corrected to comply with section (a)(1)[ii] prior to the sale of gasoline from the retail outlet to be dispensed into motor vehicles. If such corrective action is taken, the producer, importer, or distributor of the gasoline must notify the Compliance Enforcement Division of the California Air Resources Board by telephone or in writing within 2 business days of the correction and must maintain records to document each occurrence in accordance with subsection (d).

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, and 43101 of the Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39500, 39515, 39516, 41511, 43000, 43016, 43018, and 43101, Health and Safety Code, and *Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal. Rptr. 249 (1975).

**Subarticle 2. Standards for Gasoline Sold Beginning March 1, 1996**

**§ 2266.5. Requirements Pertaining to California Reformulated Gasoline Blendstock for Oxygen Blending (CARBOB) and Downstream Blending.**

\* \* \* \* \*

(g) Requirements for oxygenate blenders.

(1) *Registration and Certification.*

- (A) *Registration.* Any oxygen blender must register with the executive officer by March 1, 1996, or at least 20 days before blending oxygenates with CARBOB, whichever occurs later. Thereafter, an oxygenate blender must register with the executive officer annually by January 1. The registration must be addressed to the attention of the Chief, Compliance Enforcement Division, California Air Resources Board, P.O. Box 2815, Sacramento, CA, 95812.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43013.1, 43018 and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal. Rptr. 249 (1975). Reference: Sections 39000, 39001, 39002, 39003, 39010, 39500, 39515, 39516, 41511, 43000, 43013, 43013.1, 43016, 43018, 43021 and 43101, Health and Safety Code; and Western Oil and Gas Ass'n. v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal. Rptr. 249 (1975).

## **Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices**

### **Article 1. Small off-Road Engines**

#### **§ 2409. Emission Reduction Credits -- Production Credit Program for New Engines.**

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(h) Reporting requirements.

\* \* \* \* \*

(3) Reports must be submitted to: Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, California Air Resources Board, ~~9528 Telstar, El Monte~~4001 Iowa Avenue, Riverside, CA 91731~~92507~~.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

### **Article 3. Off-Highway Recreational Vehicles and Engines**

#### **§ 2419.2. Evaporative Emissions Control System Warranty Statement.**

(a) An OHRV manufacturer must furnish a copy of the following statement with each new 2018 and later model year OHRV, using those portions of the statement applicable to the OHRV, unless otherwise authorized by the Executive Officer. The warranty statement must generally describe the obligations and rights of OHRV manufacturers and owners under the provisions of this Article.

#### **CALIFORNIA EVAPORATIVE EMISSIONS CONTROL WARRANTY STATEMENT YOUR WARRANTY RIGHTS AND OBLIGATIONS**

The California Air Resources Board (and OHRV manufacturer's name, optional) is pleased to explain the evaporative emissions control system warranty on your

(model year) (OHRV). In California, new off-highway recreational vehicles must be designed, built, and equipped to meet the State's stringent anti-smog standards. (OHRV manufacturer's name) must warrant the evaporative emissions control system on your (OHRV) for the periods of time listed below provided there has been no abuse, neglect, improper maintenance, or unapproved modification of your (OHRV).

Your evaporative emissions control system may include parts such as the carburetor or fuel-injection system, fuel tank, fuel hoses, carbon canister, and engine computer. Also included may be hoses, belts, connectors and other evaporative emissions-related assemblies. Where a warrantable condition exists, (OHRV manufacturer's name) will repair your (OHRV) at no cost to you including diagnosis, parts and labor.

**OHRV MANUFACTURER'S WARRANTY COVERAGE:** [For 2018 and later model year OHRVs.]

The warranty period for this OHRV is 30 months, or 2500 miles, or 250 hours, whichever comes first, except for "high-priced" warranty parts, which are covered for 60 months, or 5000 miles, or 500 hours, whichever comes first.

If any evaporative emissions-related part on your (OHRV) is defective the part will be repaired or replaced by (OHRV manufacturer's name).

**OWNER'S WARRANTY RESPONSIBILITIES:**

As the (OHRV) owner you are responsible for the performance of the required maintenance listed in your owner's manual. (OHRV manufacturer's name) recommends that you retain all receipts covering maintenance on your (OHRV), but (OHRV manufacturer's name) cannot deny warranty solely for the lack of receipts or for your failure to ensure the performance of a scheduled maintenance.

As an owner you are responsible for presenting your (OHRV) to a(n) (OHRV manufacturer's name) dealer as soon as a problem exists. The warranty repairs should be completed in a reasonable amount of time, not to exceed 30 days.

As an (OHRV) owner, you should also be aware that (OHRV manufacturer's name) may deny you warranty coverage if your (OHRV) or a part has failed due to abuse, neglect, improper maintenance or unapproved modifications.

If you have any questions regarding your warranty rights and responsibilities, you should contact (Insert chosen OHRV manufacturer's contact) at 1-XXX-XXXX or the California Air Resources Board at ~~9528 Telstar~~ 4001 Iowa Avenue, El Monte/Riverside, CA 91734/92507.

\* \* \* \* \*



NOTE: Authority cited: Sections 39600, 39601 and 43824, Health and Safety Code.  
Reference: Sections 43106, 43205 and 43824, Health and Safety Code; and Section 27156, California Vehicle Code.

**§ 2419.4. Evaporative Emissions Control System Testing and Certification Requirement.**

\* \* \* \* \*

(b) Certification Requirements.

\* \* \* \* \*

(2) Small Volume OHRV Manufacturer Design-Based Certification Requirements.

In order to facilitate OHRV design-based certification, small volume OHRV manufacturers may reference Component Executive Order of Certification numbers in their design-based Executive Order of Certification application or provide test results. The California Air Resources Board (CARB) will certify emissions-related parts relating to fuel hoses, fuel tanks, and venting control devices to the emission standards in section 2418(b) by issuing Component Executive Orders of Certification. Evaporative emissions control component manufacturers may obtain a Component Executive Order of Certification through the process outlined in subdivision (3). To obtain an OHRV Executive Order of Certification for the design-based evaporative emissions standard a small volume OHRV manufacturer must demonstrate compliance with paragraphs (A) through (F) below.

\* \* \* \* \*

(d) Administrative Requirements.

(1) Maintenance of Records for OHRV Manufacturers.

(A) The OHRV manufacturer must establish, maintain, and retain the following organized records for each evaporative family:

1. CARB evaporative family identification code,

\* \* \* \* \*

(e) Final Report.

\* \* \* \* \*

- (2) Unless otherwise approved by the Executive Officer, final reports must be submitted within 90 days of the end of the model year to: Chief, Emissions Certification and Compliance Division, California Air Resources Board, 9528 Telstar4001 Iowa Avenue, El MonteRiverside, CA 9173192507.

\* \* \* \* \*

- (f) Evaporative Testing Requirements.

- (1) Compliance Test Procedures.

- (A) The Executive Officer may order an OHRV manufacturer or evaporative emissions control component manufacturer to make available for compliance testing and/or inspection one OHRV or evaporative emission component. Unless otherwise directed by the Executive Officer, the OHRV or evaporative emissions control component must be delivered to: Chief, Emissions Certification and Compliance Division, Haagen-Smit Laboratory, Southern California Headquarters, Mary D. Nichols Campus, California Air Resources Board, 9528 Telstar4001 Iowa Avenue, El MonteRiverside, CA 9173192507. The OHRV or evaporative emissions control component must be selected at random from sources specified by the Executive Officer according to a method approved by the Executive Officer which, insofar as practical, must exclude an OHRV or evaporative emissions control component that would result in an unreasonable disruption of the manufacturer's distribution system.

\* \* \* \* \*

- (g) Suspension and Revocation of Executive Orders of Certification and Component Executive Orders of Certification.

\* \* \* \* \*

- (3) Notwithstanding the foregoing, the Executive Officer may suspend an OHRV's Executive Order of Certification or Component Executive Order of Certification effective upon written notice to the OHRV manufacturer or evaporative emissions control component manufacturer if the Executive Officer finds that:

\* \* \* \* \*

(D) CARB personnel have been denied the opportunity to conduct activities authorized under this section by the OHRV manufacturer or evaporative emissions control component manufacturer.

\* \* \* \* \*

(h) Tampering/Tamper Resistance.

\* \* \* \* \*

(6) OHRV manufacturers must publish the following statement in the owner's manual to inform OHRV owners of California regulations that prohibit tampering with emission control systems: "An add-on or modified part must be compliant with applicable CARB evaporative emission control standards. A violation of this requirement is punishable by civil and/or criminal punishment."

\* \* \* \* \*

(8) Any tampering, removal or modifications of the evaporative emissions control system is prohibited under Part 1068.101(b)(1), Title 40, Code of Federal Regulations.

\* \* \* \* \*

(B) Section 27156 of the California Vehicle Code prohibits the installation of any add-on or modified emission-related part on any pollution-controlled OHRV unless the part has been exempted by the Executive Officer. The Executive Officer will exempt an OHRV part from the prohibition of California Vehicle Code section 27156 if the part is found to do either of the following:

\* \* \* \* \*

2. Demonstrate that the applicable evaporative emissions standards are being met when the part(s) are properly installed on the OHRV. Sale or installation of any aftermarket part or parts which could potentially affect the evaporative emissions control system is prohibited in California without ~~an ARB~~ a CARB approved Anti-Tampering Exemption as stated in Cal. Code Regs., tit.13, § 2470 through 2476.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43105, 43107, 43205.5, 43210 and 43824, Health and Safety Code. Reference: Sections 43013, 43018, 43105,

43106, 43205, 43205.5, 43210 and 43824, Health and Safety Code; and Section 27156, Vehicle Code.

#### **Article 4. Off-Road Compression-Ignition Engines and Equipment**

##### **§ 2423. Exhaust Emission Standards and Test Procedures—Off-Road Compression-Ignition Engines**

\* \* \* \* \*

(d) *Implementation flexibility for equipment and vehicle manufacturers and post-manufacture marinizers.* For a limited time, off-road equipment and vehicle manufacturers and post-manufacture marinizers may produce equipment with engines that are subject to less stringent emission standards than required by Tables 1a and 1b for new 2000 model year and later off-road equipment and vehicles and marine compression-ignition engines, subject to the requirements of paragraph (e) of this section. Separate provisions are provided for equipment with engines subject to the 2000 Plus Limited Test Procedures versus equipment with engines subject to the 2008-2010 or 2011 and Later Test Procedures as applicable, and are identified accordingly in the following subsections. Only manufacturers that have primary responsibility for designing and manufacturing equipment, and have manufacturing procedures for installing engines in equipment, are eligible to participate in the equipment manufacturer flexibility program provided by the 2008-2010 or 2011 and Later Test Procedures as applicable. Equipment manufacturers participating in this flexibility program must comply with the notification and reporting requirements specified in Section 2423(d)(7). Engines produced for this flexibility program using FELs greater than the applicable standards must be offset with sufficient ABT credits. The following allowances apply separately to each engine power category subject to standards under Section 2423(b)(1):

\* \* \* \* \*

(6) *Technical hardship allowances.* Equipment manufacturers may apply for additional flexibility allowances should extreme and unusual circumstances occur leading to technical obstacles in complying with the Tier 4 requirements. A manufacturer may request additional allowances for power categories  $19 \leq \text{kW} \leq 560$  if it claims allowances under the provisions of Section 2423(d)(1)(C), but may only request additional allowances for power categories  $19 \leq \text{kW} < 56$  if it claims allowances under the provisions of Section 2423(d)(2)(B). Additional flexibility allowances shall not be provided when the engine and equipment are produced by the same manufacturer, or affiliate. The Executive Officer

shall review requests for additional flexibility allowances according to the following stipulations:

\* \* \* \* \*

(B) Manufacturers applying for additional flexibility allowances must do so in writing to the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division, or designee, prior to the earliest date in which the applying manufacturer would be in violation of Section 2423(b)(1). All applications shall provide, at a minimum, the following information:

\* \* \* \* \*

(7) *Notification and reporting requirements for using Tier 4 flexibility allowances.* As a prerequisite to using any Tier 4 flexibility allowances, the equipment manufacturer shall notify the ~~ARB~~CARB of its intent to use such allowances. The manufacturer shall also send an annual report after each year that flexibility allowances have been used to verify that the allowances claimed do not exceed the number of allowances permitted.

(A) Before flexibility provisions will be used, a written notice informing CARB of the manufacturer's intent to use flexibility allowances must be sent to the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division, or designee, containing the following information:

\* \* \* \* \*

(B) For each year that Tier 4 flexibility allowances are used, the equipment manufacturer shall submit, by March 31 of the following year, a written report to the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division, or designee, documenting the utilization of those allowances. In the report, the manufacturer shall identify the total count of equipment sold by the manufacturer during the preceding year for each power category, based on actual U.S.-directed production information, and shall identify the flexibility allowances in each power category by reporting the percentages of U.S.-directed flexibility production, and, if available, California-directed production volumes, corresponding to the number of equipment in each power category. If the manufacturer(s) of the engine installed in the equipment has not already been identified as required in § 2423(d)(7)(A)4., the equipment manufacturer shall identify the name and address of this

engine manufacturer(s) in the report. The report shall also identify the cumulative yearly totals and percentages for all flexibility allowances sold for each power category. Alternatively, the percentage figures may be omitted from the report if the report states that percent-of-production allowances were not used.

\* \* \* \* \*

- (8) *Import restrictions on the use of Tier 4 flexibility allowances.* Foreign equipment manufacturers may only import equipment with exempted flexibility engines into California according to the stipulations in Section 1039.626 of the 2008-2010 Test Procedures or Part I-D of the 2011 and Later Test Procedures as applicable. These stipulations address the potential for abuse whereby individual importers could collectively import more flexibility allowances than permitted based on the foreign equipment manufacturer's total production for the United States market. The stipulations include acceptance by the foreign equipment manufacturer of random audits by ~~the ARB~~ CARB or its representatives, and the posting of a monetary bond for each imported engine to cover the cost of any potential enforcement actions. Foreign equipment manufacturers who comply with the stipulations will be eligible to receive the same flexibility allowances as domestic manufacturers.

\* \* \* \* \*

- (f) *Economic hardship relief.* Off-road equipment and vehicle manufacturers and post-manufacture marinizers may request relief from the Executive Officer, or designee, subject to the following requirements:
- (1) The application for relief must be submitted for approval to the Chief of the ~~Mobile Source Operations~~ Emissions Certification and Compliance Division, or designee, in writing prior to the earliest date in which the applying manufacturer would be in violation of Section 2423(b)(1). The off-road equipment or vehicle manufacturer applying for hardship relief must submit evidence for approval, showing that the following requirements have been met:

\* \* \* \* \*

- (h) *Allowance for the production of engines.* To meet the demand for engines created under paragraph (d), (f), or (g) of this section, engine manufacturers may produce engines that do not meet current year emission requirements. However, engine manufacturers must receive written assurance from each equipment manufacturer, prior to production, that a certain number of these engines are

needed for the equipment manufacturer's Tier 4 equipment flexibility allowances. Engine manufacturers shall provide to the Executive Officer annually, as part of the certification application, a list of the equipment manufacturers requesting such engines for their Tier 2/3 and Tier 4 equipment flexibility allowances. The list shall include the equipment manufacturers' names, engine models, and estimated national production volumes. A copy of the original correspondence from the equipment manufacturer requesting the production of flexibility engines shall be kept on file by the engine manufacturer in addition to, and in accordance with, the provisions of § 1039.250 of the 2008-2010 Test Procedures or Part I-D of the 2011 and Later Test Procedures, as applicable, and shall be made available without delay to the Executive Officer upon request. Furthermore, all engines produced for sale in California under either of the transitional flexibility provisions for equipment manufacturers, must be covered by an Executive Order starting January 1, 2007. To obtain an Executive Order for these engines, the engine manufacturer shall comply with the following:

- (1) Prior to the start of production, submit a letter to the Chief of the ~~Mobile Source Operations~~ Emissions Certification and Compliance Division, or designee, requesting certification for flexibility engines intended for sale in California, and

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43104 and 43211-43212, Health and Safety Code.

**§ 2427. Production Engine Testing, Selection, Evaluation, and Enforcement Action.**

- (a) Compliance Test Procedures.

\* \* \* \* \*

- (2) The Executive Officer may, with respect to any new engine family group or subgroup being sold, offered for sale, or manufactured for sale in California, order an engine manufacturer to make available for compliance testing and/or inspection a reasonable number of engines, and may direct that the engines be delivered to the ~~state board at the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California~~ California Air Resources Board at the Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any new engine family group or subgroup being sold, offered for

sale, or manufactured for sale in California, have a manufacturer compliance test and/or inspect a reasonable number of engines at the manufacturer's facility under the supervision of ~~an ARB~~ CARB Enforcement Officer. Engines shall be representatively selected from sources specified by the Executive Officer according to a method approved by him/her, which insofar as practical shall exclude engines which would result in an unreasonable disruption of the manufacturer's distribution system. To the extent practical, the Executive Officer shall test a representative configuration (as defined in the 1996-1999 Heavy-Duty Test Procedures) from the engine family group in order to minimize manufacturers' expense and inconvenience in testing different engine configurations.

\* \* \* \* \*

- (4) For manufacturers that have more than one engine family group, the California Air Resources Board or its designated laboratory shall procure and test at the manufacturer's expense no more than one engine family group per year, if compliance testing is required.

Notwithstanding the above, if a manufacturer fails to demonstrate compliance with the emission standards after one engine family group has been tested, ~~the ARB~~ CARB or its designated laboratory may test additional engine family groups at the manufacturer's expense, until compliance is demonstrated on one engine family group or all of a manufacturer's engine family groups have been tested. However, ~~the ARB~~ CARB may conduct engine enforcement testing pursuant to the engine test procedures specified in Section 2423, at its own expense. In such an instance, the Executive Officer shall order testing only in those cases where evidence such as quality audit test data or in-use test data indicate that engines may not be in compliance.

\* \* \* \* \*

- (6) If the manufacturer elects to specify a different break-in or adjustments, they will be performed by the manufacturer under the supervision of CARB personnel.

\* \* \* \* \*

- (b) Quality-Audit Test Procedures.

\* \* \* \* \*



- (3) California Air Resources Board (CARB) personnel and mobile laboratories shall have access to engine or equipment assembly plants, distribution facilities, and test facilities for the purpose of engine selection, testing, and observation. Scheduling of access shall be arranged with the designated manufacturer's representative and shall not unreasonably disturb normal operations (See Section 6 of the 1996-1999 Heavy-Duty Test Procedures).

\* \* \* \* \*

- (5) *Engine Sample Selection.*

For each engine family group with California sales volumes of 150 units or more per year, the manufacturer shall select for quality audit testing a representative sample of three engines or one percent of production, whichever is greater, from the highest sales volume engine family within the entire engine family group. For engine family groups with California sales volumes of less than 150 units per year, no testing shall be required unless requested by the Executive Officer based upon information and belief that such engine family groups are in noncompliance with applicable regulations. Each selected engine for quality-audit testing must pass the inspection test, by being equipped with the appropriate emission control systems certified by ~~the ARB~~CARB. The procedure for selecting engines must be submitted to the Chief, ~~Mobile Source~~Emissions Certification and Compliance Division, ~~9528 Telstar~~4001 Iowa Avenue, El MonteRiverside, CA ~~91734~~92507, prior to the start of production for the 1996 model year.

\* \* \* \* \*

- (9) *Reports.*

Each engine manufacturer shall submit a report to ~~the ARB~~CARB within 45 calendar days of the end of each calendar quarter and of the model year. More frequent reports may be required if the Executive Officer invokes this section at the end of each month. Each engine manufacturer shall review the test results of each engine family group at the end of each month.

\* \* \* \* \*

- (c) Selective Enforcement Audit.

\* \* \* \* \*

- (3) California Air Resources Board (CARB) personnel and mobile laboratories shall have access to engine or equipment assembly plants, distribution

facilities, and test facilities for the purpose of engine selection, testing, and observation. Scheduling of access shall be arranged with the designated manufacturer's representative and shall not unreasonably disturb normal operations.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104 and 43210-43212, Health and Safety Code.

#### **Article 4.5. Off-Road Large Spark-Ignition Engines**

##### **§ 2432. Test Procedures.**

Test procedures referred to in this chapter may be obtained from the State California Air Resources Board at ~~9528 Telstar~~4001 Iowa Avenue, ~~El Monte, California~~Riverside, CA 92507.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

##### **§ 2433. Emission Standards and Test Procedures -- Off-Road Large Spark-Ignition Engines.**

\* \* \* \* \*

(b) Standards.

(1)(A) *Exhaust Emission Standards*. Exhaust emissions from off-road large spark-ignition engines manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California for introduction into commerce, must not exceed:

Exhaust Emission Standards  
(grams per brake horsepower-hour)  
[grams per kilowatt-hour]<sup>(1)</sup>

\* \* \* \* \*

Note: <sup>(1)</sup> For 2006 and previous model years, standards in grams per kilowatt-hour are given only as a reference. For 2007 and subsequent model years, pollutant emissions reported to CARB by manufacturers must be in grams per kilowatt-hour.

\* \* \* \* \*

(2)(A) *Optional Exhaust Emission Standards*. Manufacturers may certify LSI engines manufactured for sale, sold, or offered for sale in California, or that are introduced, delivered or imported into California for introduction into commerce to the following optional low emission standards.

Optional Exhaust Emission Standards  
(grams per brake horsepower-hour)  
[grams per kilowatt-hour]<sup>(1)</sup>

\* \* \* \* \*

Note: <sup>(1)</sup> Pollutant emissions reported to CARB by manufacturers must be in grams per kilowatt-hour.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150, 43151, 43152, 43153, 43154, 43205.5, 43210, 43210.5, 43211 and 43212, Health and Safety Code.

**§ 2437. New Engine Compliance and Production Line Testing -- New Off-Road Large Spark-Ignition Engines Selection, Evaluation, and Enforcement Action.**

(a) Compliance Test Procedures

\* \* \* \* \*

(2) The Executive Officer may, with respect to any new engine family group or subgroup being sold, offered for sale, or manufactured for sale in California, order an engine manufacturer to make available for compliance testing and/or inspection a reasonable number of engines, and may direct that the engines be delivered to the ~~state board at the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California~~California Air Resources Board at the Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any new engine family group or subgroup being sold, offered for sale, or manufactured for sale in California, have a manufacturer compliance test and/or inspect a reasonable number of engines at the manufacturer's facility under the supervision of ~~an ARB~~a CARB Enforcement Officer. Engines must be representatively selected from sources specified by the Executive Officer according to a method approved by him/her, that insofar as practical must exclude engines that

would result in an unreasonable disruption of the manufacturer's distribution system. To the extent practical, the Executive Officer must test a representative configuration (as defined in Section 3 of the "California Exhaust Emission Standards and Test Procedures for New 2001 and Later Off-Road Large Spark-ignition Engines") from the engine family group in order to minimize manufacturers' expense and inconvenience in testing different engine configurations.

\* \* \* \* \*

- (4) For manufacturers that have more than one engine family group, the California Air Resources Board or its designated laboratory may procure and test at the manufacturer's expense no more than one engine family group per year, if compliance testing is required.

Notwithstanding the above, if a manufacturer fails to demonstrate compliance with the emission standards after one engine family group has been tested, ~~the ARBCARB~~ or its designated laboratory may test additional engine family groups at the manufacturer's expense, until compliance is demonstrated on one engine family group or all of a manufacturer's engine family groups have been tested. However, ~~the ARBCARB~~ may conduct engine enforcement testing pursuant to the engine test procedures specified in Section 2433, at its own expense. In such an instance, the Executive Officer must order testing only in those cases where evidence such as production line test data or in-use test data indicate that engines may not be in compliance.

\* \* \* \* \*

- (6) If the manufacturer elects to specify a different break-in or adjustments, they will be performed by the manufacturer under the supervision of CARB personnel.

\* \* \* \* \*

(b) 2001 and Subsequent Model Cumulative Sum Production Line Test Procedures

- (1) The 2001 and subsequent model year off-road large spark-ignition engines with an engine displacement of greater than 1.0 liter, that have been certified to the applicable emission standards pursuant to Section 2433(b), are subject to production line testing performed according to the requirements specified in this section. The 2002 and subsequent model year off-road large spark-ignition engines with an engine displacement of less than or equal to 1.0 liter, that have been certified for sale in California, must comply with production line testing performed according to the

requirements set forth in the California Code of Regulations, Title 13, Section 2407.

\* \* \* \* \*

(B) California Air Resources Board (CARB) personnel and mobile laboratories must have access to engine or equipment assembly plants, distribution facilities, and test facilities for the purpose of engine selection, testing, and observation. Scheduling of access must be arranged with the designated engine manufacturer's representative and must not unreasonably disturb normal operations (See Test Procedures).

(2) Engine Sample Selection.

(A) At the start of each quarter for the model year, the engine manufacturer will begin to randomly select engines from each engine family for production line testing, according to the criteria specified herein. The engines must be representative of the engine manufacturer's California sales. Each engine will be selected from the end of the assembly line. All engine models within the engine family must be included in the sample pool. Each selected engine for production line testing must pass the inspection test, by being equipped with the appropriate emission control systems certified by ~~the ARB~~CARB. The procedure for randomly selecting engines or units of equipment must be submitted to the Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, 9528 Telstar~~4001 Iowa Avenue, El Monte~~Riverside, CA, 91734 92507, prior to the start of production for the first year of production.

\* \* \* \* \*

(c) Calculation of Cumulative Sum (CumSum) Statistic. Each engine manufacturer must review the test results using the following procedure:

\* \* \* \* \*

(9) If the Cumulative Sum analysis indicates that an engine family has failed, the engine manufacturer must notify the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division in writing and by telephone, within ten (10) working days. Corrective action will be taken as noted in paragraphs (e) and (f) below.

\* \* \* \* \*

(d) Calculation and reporting of test results.

\* \* \* \* \*

- (4) If, at any time during the model year, the CumSum statistic exceeds the applicable action limit, H, in two consecutive tests, the engine family may be determined to be in noncompliance and the manufacturer must notify the Chief of ~~Mobile Sources Operations Division and the Manager of the New Vehicle Audit Section, 9528 Telstar Ave., El Monte, CA 91734~~Emissions Certification and Compliance Division, 4001 Iowa Avenue, Riverside, CA 92507, within ten (10) working days of such exceedance by the Cum Sum statistic.

\* \* \* \* \*

(f) Suspension and revocation of Executive Order.

\* \* \* \* \*

- (4) Notwithstanding the fact that engines described in the application for certification may be covered by an Executive Order, the Executive Officer may suspend such certificate immediately in whole or in part if the Executive Officer finds any one of the following infractions to be substantial:

\* \* \* \* \*

(D) ~~An ARB~~A CARB enforcement officer is denied the opportunity to conduct activities authorized in this subpart and a warrant or court order is presented to the manufacturer or the party in charge of the facility in question.

- (5) The Executive Officer may suspend such certificate immediately in whole or in part if the Executive Officer finds that ~~an ARB~~a CARB enforcement officer is unable to conduct activities authorized in this Section and the Test Procedures because a manufacturer has located its facility in a foreign jurisdiction where local law prohibits those activities.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43017, 43018, 43101, 43102, and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**§ 2438. In-Use Compliance Program.**

\* \* \* \* \*

(b) **Manufacturer In-Use Testing Program.**

Standards and Test Procedures. The emission standards, exhaust sampling and analytical procedures are those described in the Test Procedures, and are applicable to engines tested only for exhaust emissions. An engine is in compliance with these standards and test procedures only when all portions of these in-use test procedures and specified requirements from the Test Procedures are fulfilled, except that any adjustable engine parameters must be set to the nominal value or position as indicated on the engine label.

- (1) Within a manufacturer's model-year engine production period, ~~the ARB~~CARB will identify those engine families, and the specific configurations within an engine family, that the manufacturer must subject to in-use testing as described below. For each model year, CARB may identify a number of engine families that is no greater than 25 percent of the number of engine families to which this article is applicable. For those manufacturers producing three or less engine families in a model year, CARB may designate a maximum of one engine family per model year for in-use testing.
- (2) For each engine family identified by CARB, engine manufacturers must perform emission testing of an appropriate sample of in-use engines from each engine family. Manufacturers must submit data from this in-use testing to CARB.
- (3) An engine manufacturer must test in-use engines from each engine family identified by CARB. All engines selected by the manufacturer for testing must be identified by the manufacturer, and a list of the selected engines must be submitted to the Executive Officer, prior to the onset of testing. Engines to be tested must have accumulated a minimum of 0.50 (50 percent) of the family's certified useful life period. The number of engines to be tested by a manufacturer will be determined by the following method:

\* \* \* \* \*

- (5) The engine manufacturer shall procure in-use engines which have been operated between 0.50 and 1.0 times the certified engine's useful life period. The engine manufacturer may test engines from more than one model year in a given year. The manufacturer shall submit a plan for testing within twelve calendar months after receiving notice that CARB has identified a particular engine family for testing and shall complete testing

of such engine family within 24 calendar months from the date of approval of the plan by CARB. Test engines may be procured from sources associated with the engine manufacturer (i.e., manufacturer-established fleet engines, etc.) or from sources not associated with the manufacturer (i.e., consumer-owned engines, independently owned fleet engines, etc.).

\* \* \* \* \*

(c) Maintenance, procurement and testing of in-use engines.

\* \* \* \* \*

- (5) If a selected in-use engine fails to comply with any applicable emission standards, the manufacturer shall determine the reason for noncompliance. The manufacturer must report within 72 hours after the completion of the test specifying the emission results and identifying the pollutant which failed to comply with the emission standard. The manufacturer must report all such reasons of noncompliance within fifteen business days of completion of testing. Additional time beyond the initial fifteen days may be granted providing that the manufacturer receives prior approval from the Executive Officer. The reports may be filed electronically or mailed to the following address: Chief of ~~Mobile Source Operations~~ Emissions Certification and Compliance Division, 9528 ~~Telstar~~ 4001 Iowa Avenue, El Monte/Riverside, CA 91731 92507.

\* \* \* \* \*

- (8) Prior to an ~~ARB~~ CARB-ordered recall, the manufacturer may perform a voluntary emissions recall pursuant to Article 4.5, Section 2439(b). Such manufacturer is subject to the reporting requirements in subsection (d) below.
- (9) Once CARB determines that a substantial number of engines fail to conform with the requirements, the manufacturer will not have the option of a voluntary emissions recall.

\* \* \* \* \*

(d) In-use test program reporting requirements.

- (1) The manufacturer shall electronically submit to the Executive Officer within three months of completion of testing all emission testing results generated from the in-use testing program. The following information must be reported for each test engine:



\* \* \* \* \*

- (J) summary (if any) of all CARB pre-approved modifications and repairs,

\* \* \* \* \*

- (e) In-use emissions credit, averaging, banking, and trading program.

\* \* \* \* \*

- (3) The definitions below shall apply to this subsection:

\* \* \* \* \*

- (B) Banked credits refer to positive emission credits based on applicable actual production or sales volume as contained in the end of model year in-use testing reports submitted to Executive Officer of ~~the ARB~~CARB. Some or all of these banked credits may be revoked if the Executive Officer's review of the end of model year in-use testing reports or any subsequent audit action(s) uncovers problems or errors.

\* \* \* \* \*

- (5) Banking.

\* \* \* \* \*

- (B) A manufacturer may consider credits banked 30 days after the submission of the report. During the 30 day period, CARB will work with the manufacturer to correct any error in calculating banked credits, if necessary.

\* \* \* \* \*

- (7) Credit Calculation.

\* \* \* \* \*

- (A) For each participating engine family, emission credits (positive or negative) are to be calculated according to the following equation and rounded, in accordance with ASTM E29-93a, to the nearest gram. ASTM E29-93a has been incorporated by reference. Consistent units are to be used throughout the equation. The following equation is used to determine the credit status for an

engine family whether generating positive or negative in-use emission credits:

\* \* \* \* \*

CL	=	compliance level of the in-use testing in g/bhp-hr or g/kW-hr, as appropriate as approved by <u>CARB</u> .
----	---	--

\* \* \* \* \*

(9) Reporting requirements.

\* \* \* \* \*

(B) Reports shall be submitted to the Chief of the ~~Mobile Source Operations~~ Emissions Certification and Compliance Division.

\* \* \* \* \*

(D) If the Executive Officer or the manufacturer determines that a reporting error occurred on an end of model year report previously submitted to CARB under this subsection, or an engine family in-use testing report submitted to CARB, the manufacturer's credits and credit calculations will be recalculated. Erroneous positive credits will be void. Erroneous negative credits may be adjusted by the Executive Officer. An update of previously submitted "point of first retail sale" information is not considered an error and no increase in the number of credits will be allowed unless an error occurred in the calculation of credits due to an error in the "point of first retail sale" information from the time of the original end of model year report.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150, 43151, 43152, 43153, 43154, 43205.5, 43210, 43210.5, 43211 and 43212, Health and Safety Code.

**§ 2439. Procedures for In-Use Engine Recalls for Large Off-Road Spark-Ignition Engines with an Engine Displacement Greater Than 1.0 Liter.**

\* \* \* \* \*

(c) Initiation and Notification of Ordered Emission-Related Recalls.

\* \* \* \* \*

- (2) It shall be presumed for purposes of this section that an emission-related failure will result in the exceedance of emission standards unless the manufacturer presents evidence in accordance with the procedures set forth in subsections (A), (B), and (C) which demonstrates to the satisfaction of the Executive Officer that the failure will not result in exceedance of emission standards within the useful life of the equipment or engine.

\* \* \* \* \*

- (B) A manufacturer may test properly maintained in-use equipment with the failed emission-related component pursuant to the applicable certification emission tests specified in Section 2433, Title 13 of the California Code of Regulations. The emissions shall be projected to the end of the equipment's or engine's useful life using in-use deterioration factors. The in-use deterioration factors shall be chosen by the manufacturer from among the following:

- (i) "Assigned" in-use deterioration factors provided by ~~the ARB~~CARB on a manufacturer's conditions; request and based on CARB in-use testing; or,

\* \* \* \* \*

- (5) Ordered Recall Plan.

- (A) Unless a public hearing is requested by the manufacturer, a recall plan shall be submitted to the Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, 9528 Tolstar~~4001 Iowa Avenue, El Monte~~Riverside, CA 91731~~92507,~~ within the time limit specified in the notification. The Executive Officer may grant the manufacturer an extension upon good cause shown.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102, 43104 and 43105, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43106, 43107, 43150-43154, 43205-43205.5 and 43210-43212, Health and Safety Code.

#### **Article 4.7. Spark-Ignition Marine Engines**

**§ 2444.1. In-Use Compliance Testing and Recall Regulations -- Model Year 2001 and Later Spark-Ignition Marine Engines.**

\* \* \* \* \*

(d) Voluntary Emission Recalls.

\* \* \* \* \*

(2)(A) When any engine manufacturer, based on enforcement test results or any other information provided to or required by ~~the ARB~~CARB, proposes to initiate a voluntary emission recall program, the engine manufacturer shall submit for approval by the Executive Officer an emission recall plan as described in paragraph (e) below. The plan shall be submitted within 45 days following the receipt of a notification from ~~the ARB~~CARB that enforcement test results or other information demonstrate an engine noncompliance.

\* \* \* \* \*

(e) Voluntary and Ordered Recall Plans.

\* \* \* \* \*

(4) Record keeping and Reporting Requirements.

(A) The engine manufacturer shall report on the progress of the voluntary or ordered recall program by submitting a report one year from the date owner notification begins and a final report an additional year later. Such reports shall be submitted to the Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, ~~P.O. Box 8001, 9528 Tolstar~~4001 Iowa Avenue, El Monte~~Riverside, CA 91734-8001~~92507. For each class of engine subject to the recall program, the yearly report shall contain:

\* \* \* \* \*

(D) All reports shall be maintained for not less than one year beyond the useful life of the engines and shall be made available to authorized personnel of ~~the ARB~~CARB upon request.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101,

43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**§ 2446. 2001 and Later Model Year Production-Line Test Procedures and Selective Enforcement Auditing Regulations for Spark-Ignition Marine Engines.**

\* \* \* \* \*

(b) 2001 and Later Model Year Quality-Audit Production Line Test Procedures

\* \* \* \* \*

(3) Compliance Evaluation.

(A) Each engine manufacturer must review the test results of the first 10 test engines or equipment of each engine family, from each calendar quarter of production or from the start of calendar year production. It must also review the quarter's cumulative test results of each engine family at the end of each month. If 10 or more engines or units of equipment have been tested, the engine manufacturer must notify the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division and the ~~Manager of the New Vehicle Audit Section, P.O. Box 8001, 9528 Telstar, 4001 Iowa Avenue, El Monte~~Riverside, CA, 91734-8001 92507, in writing within ten working days whenever an engine family exceeds an emission standard.

\* \* \* \* \*

(4) Reports.

(A) Each engine manufacturer shall submit a written report to the ~~ARB~~CARB within 45 calendar days of the end of each calendar quarter.

\* \* \* \* \*

(c) 2001 and Later Model Year Cumulative Sum Production-Line Test Procedures.

(1) Engine Sample Selection.

(A) At the start of each model year, the engine manufacturer will begin to randomly select engines from each engine family with California sales greater than 20 units for production line testing, according to the criteria specified herein.

\* \* \* \* \*

3. The engines must be representative of the engine manufacturer's California sales. Each engine will be selected from the end of the assembly line. All engine models within the engine family must be included in the sample pool. Each selected engine for quality-audit testing must pass the inspection test, by being equipped with the appropriate emission control systems certified by ~~the ARB~~CARB. The procedure for randomly selecting engines or units of equipment must be submitted to the Chief, ~~Mobile Source Operations~~Emissions Certification and Compliance Division, ~~P.O. Box 8001, 9528 Telstar~~4001 Iowa Avenue, El Monte~~Riverside, CA, 91734-8001~~92507, before the start of production for the first year of production.

\* \* \* \* \*

(2) Calculation of the Cumulative Sum Statistic.

- (A) Each engine manufacturer must review the test results obtained in paragraph (c)(1) using the following procedure:

\* \* \* \* \*

8. If the Cumulative Sum analysis indicates that an engine family has failed, the engine manufacturer must notify the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division, in writing and by telephone, within ten working days. Corrective action will be taken as noted in paragraph (c)(4)(E).

\* \* \* \* \*

(3) Calculation and Reporting of Test Results.

\* \* \* \* \*

- (D) If, at any time during the model year, the Cumulative Sum statistic exceeds the applicable action limit, H, in two (2) consecutive tests, the engine family may be determined to be in noncompliance and the engine manufacturer must notify the Chief of the ~~Mobile Source Operations~~Emissions Certification and Compliance Division within ten working days of such exceedance by the Cumulative Sum statistic.

\* \* \* \* \*

(d) Test Procedures Applicable to All Production-Line and Selective Enforcement Audit Testing.

\* \* \* \* \*

(2) California Air Resources Board (CARB) personnel and mobile laboratories must have access to engine or equipment assembly plants, distribution facilities, and test facilities for the purpose of engine selection, testing, and observation. Scheduling of access must be arranged with the designated engine manufacturer's representative and must not unreasonably disturb normal operations (See section 31 of the Test Procedures).

\* \* \* \* \*

(5) Suspension and Revocation of Executive Orders.

\* \* \* \* \*

(D) Notwithstanding the fact that engines described in the application for certification may be covered by an Executive Order, the Executive Officer may suspend such Executive Order immediately in whole or in part if the Executive Officer finds any one of the following infractions to be substantial:

\* \* \* \* \*

4. ~~An ARBA~~ CARB enforcement officer is denied the opportunity to conduct activities authorized in this section.

5. ~~An ARBA~~ CARB enforcement officer is unable to conduct activities authorized in paragraph (d)(2) of this section because an engine manufacturer has located its facility in a foreign jurisdiction where local law prohibits those activities.

\* \* \* \* \*

(e) Selective Enforcement Auditing Regulations.

(1) Test Orders.

\* \* \* \* \*

(B) The test order is signed by the Executive Officer or his or her designee. The test order must be delivered in person by ~~an ARBA~~ a

CARB enforcement officer or CARB authorized representative to a company representative or sent by registered mail, return receipt requested, to the engine manufacturer's representative who signed the application for certification submitted by the engine manufacturer, pursuant to the requirements of the applicable portions of Title 13, California Code of Regulations, section 2447. Upon receipt of a test order, the engine manufacturer must comply with all of the provisions of this subsection and instructions in the test order.

\* \* \* \* \*

(3) Sample selection.

\* \* \* \* \*

(D) The test order may specify that an ~~ARB~~ CARB enforcement officer(s) or authorized representative(s), rather than the engine manufacturer, select the test engines according to the method specified in the test order.

\* \* \* \* \*

(5) Compliance with acceptable quality level and passing and failing criteria for selective enforcement audits.

\* \* \* \* \*

(D) The pass and fail decision numbers associated with the cumulative number of engines tested are determined by using the tables in Appendix A to this subsection (e), "Sampling Plans for Selective Enforcement Auditing of Spark-Ignition Marine Engines," appropriate to the projected sales as made by the engine manufacturer in its report to CARB under paragraph (b)(4) or (c)(3)(A). In the tables in Appendix A to this subsection, sampling plan "stage" refers to the cumulative number of engines tested. Once a pass or fail decision has been made for HC+NOx, the number of engines with final test results exceeding the emission standard for HC+NOx shall not be considered any further for the purposes of the audit.

\* \* \* \* \*

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101,



43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**§ 2447. California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines.**

Test Procedures referred to in this article, including the “California Exhaust Emission Standards and Test Procedures for 2001 and Later Spark-Ignition Marine Engines,” as adopted October 21, 1999, and as last amended October 25, 2012, which is incorporated by reference herein, may be obtained from the ~~State~~California Air Resources Board at ~~P.O. Box 8001, 9528 Telstar~~4001 Iowa Avenue, El Monte, ~~California 91734-8001~~Riverside, CA 92507.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018, 43101, 43102 and 43104, Health and Safety Code. Reference: Sections 43013, 43017, 43018, 43101, 43102, 43104, 43105, 43150-43154, 43205.5 and 43210-43212, Health and Safety Code.

**Chapter 14. Verification Procedure, Warranty and in-Use Compliance Requirements for in-Use Strategies to Control Emissions from Diesel Engines**

**§ 2702. Application Process.**

\* \* \* \* \*

- (c) All applications, correspondence, and reports, with the exception of applications based on the use of fuel additives or alternative diesel fuels, locomotive applications, stationary applications, transport refrigeration units, rubber-tired gantry cranes, and marine applications, must be submitted in writing to:

CHIEF, HEAVY-DUTY DIESEL IN-USE STRATEGIES BRANCH  
CALIFORNIA AIR RESOURCES BOARD  
9480 TELSTAR4001 IOWA AVENUE, SUITE 4  
EL MONTE RIVERSIDE, CA 9173192507

All applications, correspondence, and reports for systems utilizing any form of fuel additive or alternative diesel fuel must be submitted in writing to:

CHIEF, ALTERNATIVE FUELS BRANCH  
CALIFORNIA AIR RESOURCES BOARD  
1001 I STREET  
SACRAMENTO, CA 95814

All applications, correspondence, and reports for systems intended for use with locomotive must be submitted in writing to:

CHIEF, FREIGHT TRANSPORT BRANCH

CALIFORNIA AIR RESOURCES BOARD

1001 I STREET

SACRAMENTO, CA 95814

All applications, correspondence, and reports for systems intended for use with stationary applications, transport refrigeration units, rubber-tired gantry cranes, or marine applications must be submitted in writing to:

CHIEF, EMISSIONS ASSESSMENT BRANCH

CALIFORNIA AIR RESOURCES BOARD

1001 I STREET

SACRAMENTO, CA 95814

\* \* \* \* \*

- (i) Conditional Extensions of an Existing Verification for On-road Applications. If an applicant has an ~~ARB~~ CARB verified diesel emission control strategy and wishes to extend the verification to include new on-road emission control groups, the applicant may apply to receive a conditional extension. If the Executive Officer determines that the diesel emission control strategy is technologically sound and appropriate for the intended application, the applicant may be granted a conditional extension for up to one year. Upon receiving a conditional extension, the applicant may sell the diesel emission control strategy as a verified product for the duration of the conditional extension period. To obtain full verification, the applicant must complete the requirements set forth by the Executive Officer according to the requirements of the regulation. In granting a conditional extension, the Executive Officer may consider all relevant information including, but not limited to, the following: the design of the diesel emission control strategy, original test data, other relevant test data, the duty cycle of the prospective emission control group, and field experience. For the time period it is effective, a conditional extension is equivalent to a verification for the purposes of satisfying the in-use compliance requirements. Diesel emission control strategies that are conditionally verified for off-road and stationary applications are not eligible for conditional extensions (See section 2704(l)).

\* \* \* \* \*

(l) Emission Control Strategies Approved under Other Verification Programs. Any applicant with a diesel emission control strategy that is verified under another diesel emission control verification program that wishes to receive CARB verification must submit an application that contains the information requested in part (d) above. Pre-existing data and information submitted in support of verification approval from other programs may be submitted, but the applicant must meet requirements that are unique to this Procedure including, but not limited to, a system label compliant with section 2706(j), a California owner's manual compliant with section 2706(l), a warranty compliant with section 2707, in-use compliance requirements per section 2709, and multimedia evaluation if applicable. The Executive Officer may evaluate all information submitted including additional information required by this Procedure to determine if a diesel emission control strategy merits CARB verification.

\* \* \* \* \*

(n) Recordkeeping Requirements. Both applicants and authorized diesel emission control strategy installers are responsible for keeping records as described below.

(1) Applicants that receive a verification, a conditional verification, or a conditional extension must keep records that have valid end user contact information (name, address, phone number), a description of the vehicles or equipment the units are applied to (type of vehicle/equipment, make, model year, vehicle identification number), and a description of the engines the units are applied to (make, model, model year, engine serial number, engine family name). The applicant must keep these records for each diesel emission control strategy family until the in-use compliance requirements of the diesel emission control strategy family are completed. Applicants that receive a conditional extension or conditional verification must submit these records to the Executive Officer one year after receiving the conditional extension or conditional verification. Applicants that receive verifications must submit these records upon request by the Executive Officer to an agent or employee of CARB. The Executive Officer may request that such records be made available at any time. The applicant must provide these records within 30 days of the request by ~~the ARB~~CARB. Failure to submit these records may result in revocation or suspension of the verification and/or any other remedy available under Part 5, Division 26 of the Health and Safety Code.

\* \* \* \* \*

(q) The Executive Officer may, with respect to any diesel emission control strategy sold, leased, offered for sale, intended for sale, or manufactured for sale in

California, order the applicant or strategy manufacturer to make available for testing and/or inspection a reasonable number of diesel emission control strategies including but not limited to new diesel emission control strategies selected by CARB staff that are in the possession of authorized dealers or distributors but not yet installed on candidate engines, and may direct that they be delivered at the applicant's expense to the ~~state board~~ California Air Resources Board at the ~~Haagen-Smit Laboratory, 9528 Tolstar~~ Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, El Monte, California Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any diesel emission control strategy being sold, leased, offered for sale, intended for sale, or manufactured for sale in California, have an applicant test and/or inspect under the supervision of the Executive Officer a reasonable number of units at the applicant's or manufacturer's facility or at any test laboratory accepted by the Executive Officer. All such testing and inspection is confirmatory in nature. If the Executive Officer finds performance that is not consistent with either an existing or requested verification, the applicant must address and resolve the inconsistency to the satisfaction of the Executive Officer in order to maintain or receive verification. Any testing and inspection done by CARB cannot be used as a substitute for emissions test data or other support required in an application for verification.

- (r) For the purpose of selecting new diesel emission control strategies for testing and/or inspection to determine compliance with this regulation, an agent or employee of CARB, with prior notice and upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where diesel emission control strategies verified under these Procedures are located or kept.
- (s) The Executive Officer may lower the verification level or revoke the verification status of a verified diesel emission control strategy family, a conditionally verified strategy, or a strategy with a conditional extension or suspend all review of pending verification applications if the Executive Officer determines that there are errors, omissions, inaccurate information, fraudulent submittals, or a deficiency of required submittals, in the application for verification, supporting information, warranty report, recall plan, or in-use compliance report. Any changes to the verified diesel emission control strategy family not approved by CARB will subject the applicant to CARB enforcement actions. Additionally, penalties may be assessed under Part 5, Division 26 of the Health and Safety Code. The Executive Officer may suspend the review of all other applications sent by an applicant if that applicant fails to submit warranty reports or other requested information. The Executive Officer may also seek remedial action against the applicant if it is determined that the verified diesel emission control strategy does not comply with the requirements or provisions of the Executive Order.

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43012, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code; and Title 17 California Code of Regulations Section 93000.

**§ 2703. Emission Testing Requirements.**

\* \* \* \* \*

- (e) Test Cycle. The diesel emission control strategy must be tested using the test cycles indicated in subparagraphs 1-3 below (summarized in Table 2) or with an alternative cycle(s) approved by the Executive Officer pursuant to subsection (f) below. The Executive Officer may require the applicant to conduct additional testing if such information is necessary for a complete evaluation of the control technology.

**Table 2. Test Cycles for Emission Reduction Testing\***

<i>Test Type</i>	<i>On-Road</i>	<i>Off-Road (including portable engines)</i>	<i>Stationary (including TRUs and APUs)</i>	<i>Marine</i>	<i>Locomotives</i>
Engine	FTP Heavy-duty Transient Cycle (1 cold-start and 3 hot-starts)	NRTC, or if appropriate, a discrete mode test cycle as required in Section 2703(e)(2) (3 hot-starts)	Discrete mode test cycle from <u>C</u> ARB off-road regulations or another test cycle approved by the Executive Officer (3 hot-starts)	Discrete mode test cycles identified in the ISO 8178 test procedure, Part 4, August 15, 1996, Section 8.5, Test Cycles type E "Marine applications" (3 hot-starts)	40 CFR Part 92 (Subpart B) or 40 CFR Part 1033 (Subpart F) (7-1-09 Edition)

\* \* \* \* \*

- (2) Off-road Engines and Equipment (including portable engines). For off-road diesel-fueled vehicles and equipment, the applicant must follow the

transient test procedures outlined in the CARB off-road regulations (California Code of Regulations, Title 13, Section 2423 and the incorporated California Exhaust Emissions Standards and Test Procedures for New 2008 and Later Tier 4 Off-Road Compression-Ignition Engines, Part I-C). For all variable speed engines, a minimum of three hot-start tests must be conducted using the Nonroad Transient Composite Cycle (NRTC).

\* \* \* \* \*

(B) An applicant may follow the steady state test procedure outlined in the CARB off-road regulations (California Code of Regulations, Title 13, Section 2423 and the incorporated California Exhaust Emission Standards and Test Procedures for New 2000 and Later Tier 1, Tier 2, and Tier 3 Off-Road Compression-Ignition Engines, Part I-B) only if the applicant has submitted a complete preliminary verification application by October 1, 2008 and has received a letter of notification from the Executive Officer, dated no later than December 31, 2008 that the application is complete. In addition, the applicant must submit a complete final verification application that is consistent with the terms of the approved preliminary verification application by July 1, 2010. If the applicant fails to submit a complete final verification application by July 1, 2010, the applicant must test using the NRTC.

(C) An applicant with a strategy verified after October 19, 2007 using the steady state test procedure outlined in the CARB off-road regulations (California Code of Regulations, Title 13, Section 2423 and the incorporated California Exhaust Emission Standards and Test Procedures for New 2000 and Later Tier 1, Tier 2, And Tier 3 Off-Road Compression-Ignition Engines, Part I-B) must submit emissions test data using the NRTC by January 1, 2013. The Executive Officer will reassess and potentially revise the verification status of the strategy, claimed emissions reductions, and compliance with NO<sub>2</sub> emissions requirements based on the submitted data. Appropriate testing must include a pre-conditioned unit, an aged unit, and a baseline test. If such data are not received and approved by the Executive Officer by January 1, 2013, the verification will be revoked. A verification awarded prior to October 19, 2007, is not subject to this requirement. A verification for which the Executive Officer determines the NRTC is not appropriate per section 2703(e)(2)(A) is not subject to this requirement.

\* \* \* \* \*

- (3) Stationary Engines. For stationary, transport refrigeration unit, and auxiliary power system engines, the applicant must follow the discrete mode test procedures outlined in the CARB off-road regulations (as referenced in (2) or (2)(B) above). A minimum of three hot-start tests must be conducted using the specified test cycle. Applicants may request that the Executive Officer consider alternative test cycles and methods, as described in subsection (f).
- (4) Marine Engines. For marine propulsion engines, the applicant must follow the discrete mode test procedures outlined in the CARB off-road regulations (as referenced in (2) or (2)(B) above), but use the test cycles identified in the International Standards Organization (ISO) 8178 test procedure, Part 4, August 15, 1996, Section 8.5, Test Cycles type E "Marine applications". A minimum of three hot-start tests must be conducted using the specified test cycle. Applicants may request that the Executive Officer consider alternative test cycles and methods, as described in subsection (f).

\* \* \* \* \*

- (f) Alternative Test Cycles and Methods. The applicant may request the Executive Officer to approve an alternative test cycle or method in place of a required test cycle or method. In reviewing this request, the Executive Officer will consider all relevant information including, but not limited to, the following:
  - (1) Test procedures specified in airborne toxic control measures adopted by ~~the ARB~~ CARB, e.g. the Airborne Toxic Control Measure for Stationary Compression Ignition Engines,

\* \* \* \* \*

- (m) The Executive Officer may, with respect to any diesel emission control strategy sold, leased, offered for sale, or manufactured for sale in California, order the applicant or strategy manufacturer to make available for testing and/or inspection a reasonable number of diesel emission control strategies, and may direct that they be delivered at the applicant's expense to the ~~state board~~ California Air Resources Board at the ~~Haagen-Smit Laboratory, 9528 Telstar~~ Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, El Monte, California Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any diesel emission control strategy being sold, leased, offered for sale, or manufactured for sale in California, have an applicant test and/or inspect a reasonable number of units at the applicant or manufacturer's facility or at any test laboratory under the supervision of the Executive Officer.

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code; and Title 17 California Code of Regulations Section 93000.

**§ 2707. Warranty Requirements.**

\* \* \* \* \*

- (b)(1) Product Warranty Statement. The applicant must furnish a copy of the following statement in the owner's manual, a copy of which must be provided to each owner upon delivery of the diesel emission control strategy. The applicant may include descriptions of circumstances that may result in a denial of warranty coverage, but these descriptions shall not limit warranty coverage in any way.

**YOUR WARRANTY RIGHTS AND OBLIGATIONS**

(Applicant's name) must warrant the diesel emission control system in the application for which it is sold or leased to be free from defects in design, materials, workmanship, or operation of the diesel emission control system which cause the diesel emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, sections 2700 to 2706, and 2710, for the periods of time listed below, provided there has been no abuse, neglect, or improper maintenance of your diesel emission control system, vehicle or equipment, as specified in the owner's manuals. Where a warrantable condition exists, this warranty also covers the engine from damage caused by the diesel emission control system, subject to the same exclusions for abuse, neglect or improper maintenance of your vehicle or equipment. Please review your owner's manual for other warranty information. Your diesel emission control system may include a core part (e.g., particulate filter, diesel oxidation catalyst, selective catalytic reduction converter) as well as hoses, connectors, a back pressure monitor (if applicable), and other emission-related assemblies. Where a warrantable condition exists, (applicant's name) will repair or replace your diesel emission control system at no cost to you including diagnosis, parts, and labor.

**WARRANTY COVERAGE:**

For a (engine size) engine used in a(n) (type of application) application, the warranty period will be (years or hours or miles of operation) whichever occurs first. If any emission-related part of your diesel emission



control system is defective in design, materials, workmanship, or operation of the diesel emission control system thus causing the diesel emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, sections 2700 to 2706, and 2710, within the warranty period, as defined above, (Applicant's name) will repair or replace the diesel emission control system, including parts and labor. This coverage also applies to any parts replacements, sizing changes, or adjustments that are required to appropriately match the diesel emission control system to the engine on which it is installed.

In addition, (applicant's name) will replace or repair the engine components to the condition they were in prior to the failure, including parts and labor, for damage to the engine proximately caused by the verified diesel emission control strategy. This also includes those relevant diagnostic expenses in the case in which a warranty claim is valid. (Applicant 's name) may, at its option, instead pay the fair market value of the engine prior to the time the failure occurs.

#### **OWNER'S WARRANTY RESPONSIBILITY**

As the (vehicle, engine, equipment) owner, you are responsible for performing the required maintenance described in your owner's manual. (Applicant's name) recommends that you retain all maintenance records and receipts for maintenance expenses for your vehicle, engine, or equipment, and diesel emission control system. If you do not keep your receipts or fail to perform all scheduled maintenance, (applicant's name) may have grounds to deny warranty coverage. You are responsible for presenting your vehicle, equipment, or engine, and diesel emission control system to a (applicant's name) dealer as soon as a problem is detected. The warranty repair or replacement should be completed in a reasonable amount of time, not to exceed 30 days. If a replacement is needed, this may be extended to 90 days should a replacement not be available, but must be performed as soon as a replacement becomes available.

If you have questions regarding your warranty rights and responsibilities, you should contact (Insert chosen applicant's contact) at 1-800-xxx-xxxx or the California Air Resources Board at ~~9528 Telstar~~ 4001 Iowa Avenue, El Monte/Riverside, CA 91731/92507, or (800) 363-7664, or electronic mail: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov).

- (2) Installation Warranty Statement. The installer must furnish the owner with a copy of the following statement.

#### **YOUR WARRANTY RIGHTS AND OBLIGATIONS**

(Installer's name) must warrant that the installation of a diesel emission control system is free from defects in workmanship or materials which cause the diesel emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, Sections 2700 to 2706. The warranty period and the extent of the warranty coverage provided by (installer's name) must be the same as the warranty provided by the product manufacturer, and the same exclusions must apply.

### **OWNER'S WARRANTY RESPONSIBILITY**

As the vehicle, engine, or equipment owner, you are responsible for presenting your vehicle, engine, or equipment, and diesel emission control system to (installer's name) as soon as a problem with the installation is detected.

If you have questions regarding your warranty rights and responsibilities, you should contact (Insert chosen installer's contact) at 1-800-xxx-xxxx or the California Air Resources Board at ~~9528 Telstar4001 Iowa Avenue, El Monte~~ Riverside, CA 91731 ~~92507~~, or (800) 363-7664, or electronic mail: [helpline@arb.ca.gov](mailto:helpline@arb.ca.gov).

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code; and Title 17 California Code of Regulations Section 93000.

### **§ 2709. In-Use Compliance Requirements.**

\* \* \* \* \*

- (r) Reporting Requirements. Unless otherwise specified by the Executive Officer, the manufacturer shall report on the progress of a recall campaign by submitting subsequent reports for six consecutive quarters commencing with the quarter after the recall campaign begins. Such reports shall be submitted no later than 25 days after the close of each calendar quarter to:

Chief

Mobile Source Control Division

~~9528 Telstar4001 Iowa Avenue, El Monte, California 91731~~ Riverside, CA 92507

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 39650-39675, 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107 and 43204-43205.5, Health and Safety Code; and Title 17 California Code of Regulations Section 93000.

## **Chapter 15. Additional off-Road Vehicles and Engines Pollution Control Requirements**

### **Article 3. Verification Procedure, Warranty, and in-Use Compliance Requirements for Retrofits to Control Emissions from off-Road Large Spark-Ignition Engines**

#### **§ 2782. Application Process.**

- (a) *Overview.* Before submitting a formal application for the verification of an LSI retrofit emission control system for use with an emission control group, the applicant must submit a letter of intent with a proposed verification plan to CARB (pursuant to Section 2782(b)). To obtain verification, the applicant must conduct emissions reduction testing (pursuant to Section 2783), a durability demonstration with testing (pursuant to Section 2784), and a field demonstration (pursuant to Section 2785), and must submit the results along with comments and other information (pursuant to Sections 2786 and 2787) in an application to the Executive Officer, in the format shown in Section 2782(d). If the Executive Officer grants a verification of an LSI retrofit emission control system, he or she will issue an Executive Order to the applicant identifying the verified emission reduction and any conditions that must be met for the LSI retrofit emission control system to function properly. After the Executive Officer grants verification of an LSI retrofit emission control system, the applicant must provide a warranty, conduct in-use compliance testing of the system after having sold or leased a specified number of units, and report the results to the Executive Officer (pursuant to Section 2789). An LSI retrofit emission control system that employs two or more individual sub-systems or components must be tested and submitted for evaluation as one system.
- (b) *Proposed Verification Plan.* Before formally submitting an application for the verification of an LSI retrofit emission control system, the applicant must submit a proposed verification plan to CARB. The proposed verification plan should outline the applicant's plans for meeting the testing and other requirements. The Executive Officer shall use the information in the proposed plan to help determine the need for additional analyses and the appropriateness of allowing alternatives to the prescribed requirements and in determining whether the control strategy relies on sound principles of science and engineering. The proposed plan should include the following information:

\* \* \* \* \*

- (c) *Executive Officer Review.* After an applicant submits a proposed verification plan, the Executive Officer shall determine whether the applicant has identified an appropriate testing procedure to support an application for verification and notify the applicant in writing that it may submit an application for verification. The Executive Officer may suggest modifications to the proposed verification plan to facilitate verification of the LSI retrofit emission control system. All applications, correspondence, and reports must be submitted to:

CALIFORNIA AIR RESOURCES BOARD

~~9528 Telstar~~4001 Iowa Avenue

~~El Monte~~Riverside, CA 9173192507

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204, 43205 and 43205.5, Health and Safety Code.

**§ 2783. Emissions Reduction Testing Requirements.**

\* \* \* \* \*

- (d) Test Fuel.

\* \* \* \* \*

- (3) Gasoline-fueled, large spark-ignition engines that are tested during 2020 and later calendar years must be exhaust emission tested using a test fuel that is consistent with the fuel specifications as outlined in title 13, section 1961.2; and, the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” adopted March 22, 2012, which is incorporated by reference herein. The test fuel specifications should remain consistent from batch to batch. Optionally, manufacturers may use other renewable fuel blends under this paragraph that have been certified by CARB as yielding test results equivalent, or more stringent than, those resulting from the fuel specified by 13 CCR 1961.2, and which are appropriate for the certification of large spark-ignition engines.

\* \* \* \* \*

(e) Test Cycle.

\* \* \* \* \*

**Table 2. Test Cycles for Emissions Reduction Testing**

<i>Test Type</i>	<i>LSI Retrofit System Verification Date</i>	<i>Off-Road (including portable engines)</i>	<i>Off-Road (constant-speed operation)</i>
Engine	Pre-2007	Steady-state test cycle (C2) from <u>CARB</u> off-road regulations or U.S. EPA transient test cycle	Steady-state test cycle (D2) from <u>CARB</u> off-road Regulations or U.S. EPA transient test cycle

\* \* \* \* \*

(l) *Testing or inspection.* The Executive Officer may, with respect to any verified LSI retrofit emission control system sold, leased, offered for sale, or manufactured for sale in California, order the applicant to make available for testing and/or inspection a reasonable number of LSI retrofit emission control systems, and may direct that they be delivered at the applicant's expense to the ~~state board~~ California Air Resources Board at the ~~Haagen-Smit Laboratory, 9528 Telstar~~ Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, El Monte, California Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any verified LSI retrofit emission control system being sold, leased, offered for sale, or manufactured for sale in California, have an applicant test and/or inspect a reasonable number of units at the applicant or manufacturer's facility or at any test laboratory under the supervision of the Executive Officer.

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204, 43205 and 43205.5, Health and Safety Code.

**§ 2784. Durability Demonstration Requirements.**

\* \* \* \* \*

(c) Test Fuel.

\* \* \* \* \*

- (1) Except as outlined in (c)(2), the test fuel used shall be consistent with the fuel specifications as outlined in the “California Exhaust Emission Standards and Test Procedures for 2001 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” as incorporated by reference in section 1961(d). If the engine is tested using the U.S. EPA test fuel, as outlined in 40 CFR Part 1065, the manufacturer shall demonstrate that the emission results are consistent with CARB Test Procedures. Manufacturers can use “commercially available fuels” to accumulate service hours but emission testing must be conducted using test fuel as specified in this section.

\* \* \* \* \*

- (3) Gasoline-fueled, large spark-ignition engines that are tested during 2020 and later calendar years must be exhaust emission tested using a test fuel that is consistent with the fuel specifications as outlined in title 13, section 1961.2; and, the “California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles,” adopted March 22, 2012, which is incorporated by reference herein. The test fuel specifications should remain consistent from batch to batch. Optionally, manufacturers may use other renewable fuel blends under this paragraph that have been certified by CARB as yielding test results equivalent, or more stringent than, those resulting from the fuel specified by 13 CCR 1961.2, and which are appropriate for the certification of large spark-ignition engines.

\* \* \* \* \*

- (e) *Test Cycle.* Testing requirements are summarized in Table 3. Note that the same cycle(s) must be used for both the initial (zero hour) and final (2,500 hour) tests as defined in Section 2783(e).

**Table 3. Emission Tests Required for Durability Demonstrations**

<i>Application</i>	<i>LSI Retrofit System Verification Date</i>	<i>Test Type</i>	<i>Zero-Hour Test (prior durability demonstration) 2,500-Hour Test (after completion of 100% of the durability demonstration or the minimum durability demonstration)</i>
Off-Road and portable engines	Pre-2007	Engine	Steady-state test cycle from <u>C</u> ARB off-road regulations or U.S. EPA transient test cycle or an alternative cycle

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204, 43205 and 43205.5, Health and Safety Code.

**§ 2787. Warranty Requirements.**

(a)(1) *Product Warranty.*

(A) The applicant must provide a warranty to all owners, for ownership within the warranty period, and lessees, for lease contract within the warranty period, that its verified LSI retrofit emission control system is free from defects in design, materials, workmanship, or operation of the LSI retrofit emission control system which cause the LSI retrofit emission control system to fail to conform to at least 90 percent of the its verified level for the minimum warranty period of 3 years or 2,500 hours, whichever occurs first, provided the operation of and conditions of use for the equipment, engine, and LSI retrofit emission control system conform with the operation and conditions specified in ~~the ARB's~~CARB's Executive Order and that the engine or equipment belongs to the emission control group as specified in ~~the ARB's~~CARB's Executive Order for that LSI retrofit emission control system.

\* \* \* \* \*

(b)(1) *Product Warranty Statement.* The applicant must furnish a copy of the following statement in the owner's manual. The applicant may include descriptions of circumstances that may result in a denial of warranty coverage, but these descriptions shall not otherwise limit warranty coverage in any way.

**YOUR PRODUCT WARRANTY RIGHTS AND OBLIGATIONS**

(Applicant's name) must warrant the LSI retrofit emission control system in the equipment for which it is sold or leased to be free from defects in design, materials, workmanship, or operation of the LSI retrofit emission control system which cause the LSI retrofit emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, Chapter 9, Article 8, Sections 2780 to 2786, and 2789, for 3 years or 2,500 hours, whichever occurs first, pursuant to Section 2787(a)(1), provided there has been no abuse, neglect, or improper maintenance of

your LSI retrofit emission control system, engine or equipment, as specified in the owner's manuals. Where a warrantable condition exists, this warranty also covers the engine from damage caused by the LSI retrofit emission control system, subject to the same exclusions for abuse, neglect or improper maintenance. Please review your owner's manual for other warranty information. Your LSI retrofit emission control system may include a core part (e.g., three-way catalyst, carburetor, mixer or regulator) as well as hoses, connectors, and other emission-related assemblies. Where a warrantable condition exists, (applicant's name) will repair or replace your LSI retrofit emission control system at no cost to you including diagnosis, parts, and labor.

#### WARRANTY COVERAGE:

For a (engine size) engine used in a(n) (type of application) application, the warranty period will be 3 years or 2,500 hours of operation, whichever occurs first. If any emission-related part of your LSI retrofit emission control system is defective in design, materials, workmanship, or operation of the LSI retrofit emission control system thus causing the LSI retrofit emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, Chapter 9, Article 8, Sections 2780 to 2786, and 2789, within the warranty period, as defined above. (Applicant's name) will repair or replace the LSI retrofit emission control system, including parts and labor.

In addition, (applicant's name) will replace or repair the engine components to the condition they were in prior to the failure, including parts and labor, for damage to the engine proximately caused by the verified LSI retrofit emission control system. This also includes those relevant diagnostic expenses in the case in which a warranty claim is valid. (Applicant 's name) may, at its option, instead pay the fair market value of the engine prior to the time the failure occurs.

#### **OWNER'S WARRANTY RESPONSIBILITY**

As the (engine, equipment) owner, you are responsible for performing the required maintenance described in your owner's manual. (Applicant's name) recommends that you retain all maintenance records and receipts for maintenance expenses for your engine or equipment, and LSI retrofit emission control system. If you do not keep your receipts or fail to perform all scheduled maintenance, (applicant's name) may have grounds to deny warranty coverage. You are responsible for presenting your equipment or engine, and LSI retrofit emission control system to (applicant's name) or a (applicant's name) dealer as soon as a problem is detected. The warranty



repair or replacement should be completed in a reasonable amount of time, not to exceed 30 days. If a replacement is needed, this may be extended to 90 days should a replacement not be available, but must be performed as soon as a replacement becomes available.

If you have questions regarding your warranty rights and responsibilities, you should contact (Insert chosen applicant's contact) at 1-800-xxx-xxxx or the California Air Resources Board at ~~9528 Telstar~~4001 Iowa Avenue, ~~El Monte~~Riverside, CA 9173192507, or (800) 363-7664, or electronic mail: helpline@arb.ca.gov.

- (b)(2) *Installation Warranty Statement.* The installer must furnish the owner with a copy of the following statement.

### **YOUR INSTALLATION WARRANTY RIGHTS AND OBLIGATIONS**

(Installer's name) must warrant that the installation of an LSI retrofit emission control system is free from defects in workmanship or materials which cause the LSI retrofit emission control system to fail to conform to the emission control performance level it was verified to, or to the requirements in the California Code of Regulations, Title 13, Sections 2781 to 2786 and 2789. The warranty period and the extent of the warranty coverage provided by (installer's name) must be the same as the warranty provided by the product manufacturer, and the same exclusions must apply.

### **OWNER'S WARRANTY RESPONSIBILITY**

As the engine or equipment owner, you are responsible for presenting your engine or equipment and LSI retrofit emission control system to (installer's name) as soon as a problem with the installation is detected.

If you have questions regarding your warranty rights and responsibilities, you should contact (Insert chosen installer's contact) at 1-800-xxx-xxxx or the California Air Resources Board at ~~9528 Telstar~~4001 Iowa Avenue, ~~El Monte~~Riverside, CA 9173192507, or (800) 363-7664, or electronic mail: helpline@arb.ca.gov.

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204, 43205 and 43205.5, Health and Safety Code.

### **§ 2789. In-Use Compliance Requirements.**

\* \* \* \* \*

- (g) The Executive Officer may, with respect to any LSI retrofit emission control system sold, leased, offered for sale, or manufactured for sale in California, order the applicant to make available for compliance testing and/or inspection a reasonable number of LSI retrofit emission control systems, and may direct that the retrofit emission control systems be delivered at the applicant's expense to the ~~state board at the Haagen-Smit Laboratory, 9528 Telstar Avenue, El Monte, California~~ California Air Resources Board at the Southern California Headquarters, Mary D. Nichols Campus, 4001 Iowa Avenue, Riverside, CA 92507 or where specified by the Executive Officer. The Executive Officer may also, with respect to any LSI retrofit emission control system being sold, leased, offered for sale, or manufactured for sale in California, have an applicant compliance test and/or inspect a reasonable number of units at the applicant or manufacturer's facility or at any test laboratory under the supervision of the CARB Executive Officer.

\* \* \* \* \*

NOTE: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39650-39675, 40000, 43000, 43000.5, 43011, 43013, 43018, 43105, 43600 and 43700, Health and Safety Code. Reference: Sections 43000, 43009.5, 43013, 43018, 43101, 43104, 43105, 43106, 43107, 43204, 43205 and 43205.5, Health and Safety Code.