

ATTACHMENT B: PROPOSED REGULATION ORDER FOR IN-USE OFF-ROAD DIESEL-FUELED FLEETS

Note: Proposed modifications are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions, compared to the preexisting regulatory language. The symbol “*****” indicates that regulatory language not being amended is not shown.

Amend sections 2449, 2449.1, and 2449.2, title 13, California Code of Regulation to read as follows.

§ 2449 General Requirements for In-Use Off-Road Diesel-Fueled Fleets

(d) Performance Requirements -

(4) Changing Fleet Size –

- (A) Small fleets that become medium or large fleets must meet the medium or large fleet requirements, respectively, on the reporting date two years subsequent to the year they became a medium or large fleet. ~~If such fleets become small again, they must keep meeting the medium or large fleet requirements for two years after becoming a small fleet.~~
- (B) Large fleets that become medium fleets may meet either the medium or large fleet requirements on the next reporting date. Large fleets that become small fleets may meet either the small or large fleet requirements on the next reporting date.
- (C) Medium fleets that become small fleets may meet either the small or medium fleet requirements on the next reporting date. Medium fleets that become large fleets must meet the large fleet requirements on the reporting date two years subsequent to the year they became a large fleet.

(g) Reporting –

Reporting is required for each and every fleet. Large and medium fleets may report separately for different divisions or subsidiaries of a given company or agency. Fleet owners may submit reporting information using forms (paper or electronic) approved by the Executive Officer.

- (1) Initial reporting –** All fleet owners must submit the information in section 2449(g)(1)(A) through (G) to ARB by their initial reporting date. In the initial reporting, fleet owners must report information regarding each vehicle subject to this regulation that was in their fleet on March 1, 2009.

Systems or non-diesel fueled vehicles that are used in place of a vehicle that would be subject to this regulation must also be reported. The initial reporting date for large fleets is April 1, 2009. The initial reporting date for medium fleets is June 1, 2009. The initial reporting date for small fleets is August 1, 2009. Reports must include the following information:

(D) Verified Diesel Emission Control Strategies - For each VDECS that is installed on an engine listed per section 2449(g)(1)(C) report the following information.

1. VDECS Manufacturer;
2. VDECS ~~Model~~ Family;
3. Verification level;
4. Verified percent NOx reduction (if any);
5. Date installed;
6. VDECS Serial Number.

(h) Record keeping –

Fleet owners must maintain copies of the information reported under section 2449(g), as well as the records described in section 2449(h) below, and provide them to an agent or employee of the ARB within five business days upon request. Records must be kept at a location within the State of California.

(8) Record Retention – Each fleet owner shall maintain the records for each vehicle subject to the regulation until it is retired and for the overall fleet as long as the owner has a fleet or March 1, 2030, whichever is earlier. If vehicle ownership is transferred, the seller shall convey the vehicle records including vehicle data per section 2449(g)(1)(B), engine data per section 2449(g)(1)(C), and VDECS data per section 2449(g)(1)(D) to the buyer. If fleet ownership is transferred, the seller shall convey the fleet records including fleet data per sections 2449(g)(1)(A) through (G) to the buyer. Dealers Any person selling a vehicle with an engine subject to this regulation in California must maintain records of the disclosure of regulation applicability required by Section 2449(j) for three years after the sale.

Note: Authority cited: Sections 39002, 39515, 39516, 39600, 39601, 39602, 39650, 39656, 39658, 39659, 39665, 39667, 39674, 39675, 40000, 41511, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.1, 42402.2, 42402.4, 42403, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code. Reference: Sections 39002, 39515, 39516, 39600, 39601, 39602, 39650, 39656, 39657, 39658, 39659, 39665, 39667, 39674, 39675, 40000, 41511, 42400, 42400.1, 42400.2, 42402.2, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code.

§ 2449.1 NOx Performance Requirements

(a) Performance Requirements

(2) BACT Requirements

(A) Turnover Requirements for Fleets Not Meeting NOx Target Rate –

A fleet may meet the turnover requirements by retiring a vehicle, designating a vehicle as a low-use vehicle, repowering a vehicle, rebuilding the engine to a more stringent emissions configuration, or applying a VDECS verified to achieve NOx reductions. If repowering a vehicle or rebuilding the engine to a more stringent emissions configuration, the new engine must be Tier 2 or higher and must be a higher tier than the engine replaced or rebuilt. The method for counting VDECS verified to achieve NOx reductions is specified in section 2449.1(a)(2)(A)8.

5. Delay Tier 1 turnover - All vehicles with a Tier 1 or higher engine are exempt from the turnover requirement until the compliance year ending March 1, 2013 (i.e., the first turnover of Tier 1 or higher engines would be required between March 2, 2012 and March 1, 2013), provided that all Tier 0 vehicles in the fleet owner's fleet that do not qualify for an exemption under section 2449.1(a)(2)(A)4. have been turned over.

Note: Authority cited: Sections 39002, 39515, 39516, 39600, 39601, 39602, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code. Reference: Sections 39002, 39515, 39516, 39600, 39601, 39602, 39650, 39656, 39657, 39658, 39659, 39665, 39667, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code.

§ 2449.2 PM Performance Requirements

(a) Performance Requirements

(2) BACT Requirements

(A) PM Retrofit Requirements for Fleets Not Meeting Diesel PM Target Rate

2. Carryover PM retrofit credit –

a. Beginning - All fleets other than those meeting the criteria in (i) or (ii) below for vehicles remaining in their fleets begin with zero carryover retrofit credit on March 1, 2009.

i. Double Credit for Early PM Retrofits – Fleets that have installed the highest level VDECS on their vehicles before January 1, 2010 ~~March 1, 2009~~ begin with a carryover retrofit credit equal to: 2 multiplied by total maximum power of engines on which highest level VDECS was installed before January 1, 2010 ~~March 1, 2009~~, unless the contract for funding the VDECS stipulates single credit for installation of the VDECS.

ii. Single Credit for Other PM Retrofits Before Initial Compliance Date – Medium fleets that install highest level VDECS on their vehicles between January 1, 2010 ~~March 1, 2009~~ and February 29, 2012 accumulate carryover retrofit credit equal to total maximum power of engines on which highest level VDECS was installed. Small fleets that install highest level VDECS on their vehicles between January 1, 2010 ~~March 1, 2009~~ and February 28, 2014 accumulate carryover retrofit credit equal to total maximum power of engines on which highest level VDECS was installed.

b. Accumulating carryover PM retrofit credit – Beginning March 1, ~~2011~~ 2010 for large fleets, March 1, 2013 for medium fleets, and March 1, 2015 for small fleets, a fleet accumulates carryover retrofit credit each year it retrofits more than 20 percent of its maximum power. The amount accumulated is the percent of maximum power retrofit in excess of 20 percent in the past 12 months prior to March 1. A large fleet also accumulates carryover retrofit credit on March 1, 2010 if the sum of the double retrofit credit earned from March 1, 2009 to January 1, 2010 plus the single retrofit credit earned from January 1, 2010 to March 1, 2010 exceeds 20 percent of its maximum horsepower. The amount accumulated is the sum of double credit retrofit credit earned from March 1, 2009 to January 1, 2010 plus the single credit earned from January 1, 2010 to March 1, 2010 in excess of 20 percent of fleet's maximum horsepower in the past 12 months.

Note: Authority cited: Sections 39002, 39515, 39516, 39600, 39601, 39602, 39650, 39656, 39658, 39659, 39665, 39667, 39674, 39675, 40000, 41511, 42400, 42400.1, 42400.2, 42400.3.5, 42402, 42402.1, 42402.2, 42402.4, 42403, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code. Reference: Sections 39002, 39515, 39516, 39600, 39601, 39602, 39650, 39656, 39657, 39658, 39659, 39665, 39667, 39674, 39675, 40000, 41511, 42400, 42400.1, 42400.2, 42402.2, 43000, 43000.5, 43013, 43016, and 43018, Health and Safety Code.