

EMERGENCY REGULATORY AMENDMENTS TO THE TRACTOR-TRAILER GREENHOUSE GAS REGULATION

The amendments to the existing regulatory text are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

The portions of the regulation that are not modified by the proposed amendments are omitted from the text shown and indicated by:

Subarticle 1: Heavy-Duty Vehicle Greenhouse Gas Emission Reduction Regulation

§95300. *Purpose.*

The purpose of this subarticle is to reduce greenhouse gas emissions from heavy-duty (HD) tractors and 53-foot or longer box-type semitrailers (trailers) that transport freight on a highway within California.

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.

§95307. *Optional Trailer Fleet Compliance Schedules.*

(b) *Large Fleet Compliance Schedule.*

- (2) Option 2 of the large fleet compliance schedule:
- (A) Minimum fleet conformance thresholds (Table 2): A trailer owner participating in this large fleet compliance schedule option must ensure that the percentage of compliant trailers on the compliance plan base list, as described in section 95307(d)(3), is equal to or greater than:
1. 20 percent by ~~January~~ June 1, 2012;
 2. 40 percent by January 1, 2013;
 3. 60 percent by January 1, 2014;

4. 80 percent by January 1, 2015; and
5. 100 percent by January 1, 2016.

**Table 2: Minimum Fleet Conformance Thresholds
for the Large Fleet Compliance Schedule (Option 2)**

Compliance Year (Y)	Minimum Fleet Conformance Threshold (P _Y)	Conformance Threshold Deadline
2010	---	---
2011	20%	January <u>June</u> 1, 2012
2012	40%	January 1, 2013
2013	60%	January 1, 2014
2014	80%	January 1, 2015
2015	100%	January 1, 2016

- (3) To participate in either Option 1 or Option 2, a trailer owner must provide the following information to the Executive Officer, electronically or in a document package entitled “Large Fleet Compliance Plan,” by July 1, 2010 for Option 1, and by ~~July~~ June 1, 2012~~4~~ for Option 2. This submittal must include the following:
- (A) Statement of intent, in accordance with section 95307(d)(1);
 - (B) Trailer fleet list, in accordance with section 95307(d)(2);
 - (C) Large fleet compliance plan base number, calculated in accordance with section 95307(e)(1);
 - (D) Compliance plan base list, in accordance with section 95307(d)(3);
 - (E) Annual conformance number for each compliance year, calculated in accordance with section 95307(e)(5); and
 - (F) Early compliance option reporting, if applicable: If a trailer owner elects to delay the compliance of trailers in accordance with section 95307(b)(4), such owner must submit the following trailer information within the compliance plan:
 1. Early compliance trailer number: The number of early compliance trailers determined in accordance with section 95307(b)(4);

2. Early compliance trailer list: A trailer owner participating in the early compliance option must clearly identify on the trailer fleet list all early compliance trailers;
 3. Delayed compliance trailer number, calculated in accordance with section 95307(e)(3); and
 4. Delayed compliance trailer list: A trailer owner participating in the early compliance option must clearly identify on the trailer fleet list all delayed compliance trailers.
- (4) Early compliance option: Subject to the requirements and limitations set forth in this section, for every one early compliance trailer in an owner's fleet, a trailer owner may delay the retrofit or replacement of 1.5 non-compliant trailers until December 31, 2016.
- (A) Maximum allowable number of early compliance trailers, as calculated in accordance with section 95307(e)(4): The number of early compliance trailers within a fleet may not exceed the equivalent of 20 percent of the sum of: 1) all trailers that the owner elects to bring into compliance under the large fleet compliance schedule and 2) the total number of trailers within the fleet that are in compliance before January 1, 2010.
 - (B) A trailer owner must bring all delayed compliance trailers into compliance before January 1, 2017.
 - (C) Early compliance option report: To participate in the early compliance option, a trailer owner must submit all information required by section 95307(b)(3)(F), as part of the large fleet compliance plan by July 1, 2010 for Option 1, and by ~~July~~June 1, 2012~~4~~ for Option 2.

(f) Reporting Requirements

- (1) For each trailer listed in the compliance plan base list that is brought into compliance in order to meet the conformance threshold of a particular year, the owner must provide the trailer identification number (vehicle identification number (VIN)) and the applicable compliance method for the trailer as defined in (A), (B), or (C) below, to the Executive Officer by no later than December 31st of that year, or by June 1, 2012, whichever is later.
- (A) Install on the trailer aerodynamic devices that meet the requirements defined in section 95303(b)(3), or

- (B) Remove the trailer from the owner's fleet, or
 - (C) Restrict the trailer from traveling on California highways.
- (2) For each trailer listed in the compliance plan base list that is re-designated into local-haul or storage trailer service in a specific compliance year, the owner must provide the trailer identification number (vehicle identification number (VIN)) to the Executive Officer by no later than December 31st of that year, or by June 1, 2012, whichever is later, and meet all applicable requirements specified in sections 95305, *Exemptions*, and 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*. Trailers re-designated into local-haul or storage trailer service do not count toward meeting an annual conformance number.
- (g) General Requirements for All Compliance Schedules: To participate in a trailer fleet compliance schedule, a trailer owner must comply with the following requirements:
- (1) The trailer owner must ensure that, by December 31st of each compliance year, or by June 1, 2012, whichever is later, the percentage of compliant trailers on the owner's compliance plan base list is equal to or greater than the applicable minimum fleet conformance threshold for that compliance year;
 - (2) The trailer owner must ensure that the actual number of trailers brought into compliance each compliance year is equal to or greater than the annual conformance number for that same year;
 - (3) The trailer owner must allow the Executive Officer, or any other authorized enforcement personnel, to conduct periodic audits of records and equipment to verify compliance with an applicable compliance schedule, the owner's compliance plan, and other applicable air quality regulations;
 - (4) Should the Executive Officer terminate the trailer owner's participation in a trailer fleet compliance schedule, such trailer owner must bring all trailers into compliance within 90 days of such termination or by December 31, 2012, whichever is later, but no later than December 31, 2015 if participating in the large fleet compliance schedule and December 31, 2016 if participating in the small fleet compliance schedule;
 - (5) Starting January 1, 2013, except for eligible refrigerated-van trailers that the trailer owner elects to bring into compliance in accordance with section 95303(b)(3)(F) and exempted trailers, a trailer owner may not allow the operation of a non-compliant trailer on a highway within California if such owner withdraws participation from an applicable trailer fleet compliance schedule;

- (6) The trailer owner must provide to the Executive Officer any documentation and information required by an applicable trailer fleet compliance schedule by the compliance plan due date specified in such compliance schedule;
- (7) The trailer owner must ensure that all information and documentation provided to the Executive Officer is accurate and true;
- (8) The trailer owner must ensure that all required information and documentation is received by the Executive Officer by the applicable due dates; the Executive Officer will not be responsible for materials lost in transit;
- (9) The trailer owner must maintain all documentation pertaining to an applicable compliance schedule at the location indicated on the trailer fleet list;
- (10) Upon the request of the Executive Officer or other authorized enforcement personnel, the trailer owner must provide all information and documentation necessary to verify compliance with this subarticle, including applicable compliance schedules and the owner's compliance plan, and information and documentation necessary to verify compliance with any other air quality regulation;
- (11) A trailer owner who is participating in the small fleet compliance schedule may not allow a 2010 or previous model year trailer subject to the requirements of this subarticle to operate on a highway within California after July 1, 2012, unless:
 - (A) the trailer is listed on the owner's trailer fleet list; or
 - (B) the trailer was acquired after July 1, 2012 and both of the following criteria are met:
 1. the owner provides documented proof to the Executive Officer of the trailer's acquisition (purchase or transfer of ownership) date; and
 2. the trailer is a compliant trailer, a refrigerated-van trailer that is eligible to be brought into compliance in accordance with the compliance deadlines set forth in section 95303(b)(3)(F), or exempt under section 95305;
- (12) A trailer owner may not allow the operation of a non-compliant trailer on a highway within California after December 31st of the compliance year in which the trailer was reportedly brought into compliance, or by June 1, 2012, whichever is later;

- (13) A compliance plan revision may only be made with the approval of the Executive Officer if the Executive Officer determines that a company merger, acquisition, split, or other changed circumstances affecting operations of the owner, necessitate revisions to the compliance plan;
- (14) Executive Officer approval will not be granted to allow a newly-formed business, or an existing business commencing operations in California, to participate in a compliance schedule after the submission due date for the applicable compliance plan has passed;
- (15) The Executive Officer may make non-confidential information provided pursuant to an optional trailer fleet compliance schedule available to the public for the purpose of helping determine the compliance status of a trailer or fleet;
- (16) Although participation in an optional trailer fleet compliance schedule does not require the Executive Officer's specific approval, the Executive Officer may terminate a fleet's participation in a compliance schedule if the fleet or any tractor or trailer within the fleet is found in violation of this subarticle. Should the Executive Officer terminate a fleet's participation in a compliance schedule, the owner must bring all trailers into compliance within 90 days or by December 31, 2012, whichever is later, but in no case later than December 31, 2015, if participating in the large fleet compliance schedule, and December 31, 2016, if participating in the small fleet compliance schedule;
- (17) A trailer owner who is participating in one of the large fleet compliance schedule options may not allow a trailer subject to the requirements of this subarticle to operate on a highway within California after July 1, 2010, if participating in Option 1, or ~~July~~June 1, 201~~2~~4, if participating in Option 2, unless:
 - (A) the trailer is a compliant trailer; or
 - (B) the trailer is listed on the owner's compliance plan base list and is in compliance with all requirements of the large fleet compliance schedule; or
 - (C) the trailer is a refrigerated-van trailer that is eligible to be brought into compliance in accordance with a compliance deadline set forth in section 95303(b)(3)(F) and such deadline has not yet passed; or
 - (D) the trailer is exempt under section 95305;
- (18) Any violation of the requirements of this section constitutes a violation of this subarticle;

- (19) A trailer owner who has elected to participate in Option 1 and submitted information in accordance with section 95307(b)(3) may withdraw such participation and elect to participate in Option 2 instead. The notice to withdraw must be received by the Executive Officer no later than ~~June 30~~May 31, 20124;
- (20) A trailer owner that has identified an exempt storage trailer or an exempt local-haul trailer in his or her trailer fleet list in accordance with section 95307(d)(2)(N) must register that trailer in accordance with the requirements of section 95306, *Short-Haul Tractor, Local-Haul Tractor, Local-Haul Trailer, and Storage Trailer Registration Requirements*, by July 1, 2010, if participating in Option 1, by ~~July~~June 1, 20124, if participating in Option 2, and by July 1, 2012, if participating in the Small Fleet Compliance Schedule;
- (21) A trailer owner that elects to withdraw participation in a trailer feet compliance schedule must notify the executive officer and bring all trailers on the compliance plan base list into compliance by January 1, 2013.

NOTE: Authority cited: Sections 39600, 39601, 38510, 38560 and 38560.5, Health and Safety Code.
Reference: Sections 39600, 38560, 38560.5 and 38580, Health and Safety Code.
