

**FINAL REGULATION ORDER
IN-USE OFF-ROAD DIESEL-FUELED FLEETS**

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

Amend section 2449, and 2449.3, title 13, California Code of Regulations to read as follows.

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

(a) Purpose

(b) Applicability

Except as provided in the paragraphs below, the regulation applies to any person, business, or government agency who owns or operates within California any diesel-fueled or alternative diesel fueled off-road compression ignition vehicle engine with maximum power of 25 horsepower (hp) or greater that is used in a two-engine crane or to provide motive power in a workover rig or to provide motive power in any other motor vehicle that (1) cannot be registered and driven safely on-road or was not designed to be driven on-road, and (2) is not an implement of husbandry or recreational off-highway vehicle. Unless they are workover rigs or two-engine cranes, ~~v~~ehicles that were designed to be driven on-road, have on-road engines, and still meet the original manufacturer’s on-road engine emission certification standard are considered on-road and are specifically excluded from this regulation, even if they have been modified so that they cannot be registered and driven safely on-road. Off-road vehicles that were designed for off-road use and have off-road engines are considered off-road and are subject to this regulation, even if they have been modified so that they can be driven safely on-road.

(c) Definitions

(56) “Two-Engine Crane” means a mobile diesel-powered machine with a hoisting mechanism mounted on a specially constructed truck chassis or carrier; one engine provides motive power, and a secondary engine is used to lift and move materials and objects.

(567) “Verified Diesel Emission Control Strategy” (VDECS) means an emissions control strategy, designed primarily for the reduction of diesel PM emissions, which has been verified pursuant to the *Verification Procedures*. VDECS can be verified to achieve Level 1 diesel PM reductions (25 percent), Level 2 diesel PM reductions (50 percent), or Level 3 diesel PM reductions (85 percent). VDECS

may also be verified to achieve NOx reductions. See also definition of Highest Level VDECS.

(578) “VDECS Failure” means the condition of not achieving the emissions reductions to which the VDECS is verified. Such condition could be due to inappropriate installation, damage, or deterioration during use. If a Level 3 VDECS is emitting visible smoke, it should be assumed to have failed.

(589) “Workover rig” means a mobile self-propelled rig used to perform one or more remedial operations, such as deepening, plugging back, pulling and resetting liners, on a producing oil or gas well to try to restore or increase the well’s production.

(d) Performance Requirements -

(e) Special Provisions/Compliance Extensions

(7) Exemption for Low-Use Vehicles - Low-use vehicles are exempt from the performance requirements in sections 2449(d)(4) through 2449(d)(6) and 2449(d)(8) through 2449(d)(10), 2449.1(a), 2449.2(a) and 2449.3(d), but still must meet the idling limits in section 2449(d)(3) and adding vehicles requirements in section 2449(d)(7) and be labeled and reported in accordance with sections 2449(f) and (g). Low-use vehicles need not be included when calculating fleet average indices or target rates, when determining fleet size, or when calculating the required horsepower for the BACT turnover and retrofit requirements in sections 2449.1(a)(2) and 2449.2(a)(2).

Vehicles that formerly met the low-use vehicle definition, but whose use increases to 100 hours per year or greater must meet the adding vehicles requirements in section 2449(d)(7) and meet the BACT requirements or be included in the fleet average calculation by the next compliance date. For example, a formerly low-use engine that exceeds 100 hours per year between March 1, 2013 and February 28, 2014 must be included in the fleet average indices and target rates reported in 2014.

(14) Two-Engine Cranes – Both engines in a two-engine crane are subject to this regulation. For purposes of the rounding provisions in section 2449.1(a)(2)(a)7., neither engine in the two-engine crane is required to be turned over until the horsepower required to be turned over under section 2449.1(a)(2)(A) is at least

half the sum of the maximum power of the primary and secondary engine in the two-engine crane.

(15) On-road Registered Vehicles with Off-road Engines – If a workover rig or other on-road registered vehicle subject to this regulation with an off-road engine is repowered and will be registered and driven on-road, it must be repowered with an on-road certified engine of the same model year or newer as the engine being replaced.

(f) Labeling

(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 -

(A) Fleet Owner –

(B) Vehicle List – A list of each vehicle subject to this regulation along with the following information for each vehicle:

1. Vehicle type;
2. Vehicle manufacturer;
3. Vehicle model;
4. Vehicle model year;
5. Vehicle serial number (i.e., for workover rigs and two-engine cranes, vehicle identification number);
6. Whether the vehicle is a low-use vehicle;
7. If the vehicle is a low-use vehicle, whether the vehicle was operated outside of California during the previous compliance year;
8. Whether the vehicle is a specialty vehicle;
9. Whether the vehicle is a vehicle used solely for emergency operations;
10. Whether the vehicle is a dedicated snow removal vehicle;
11. Whether the vehicle is used for agricultural operations for over half of its annual operating hours;
12. Whether the vehicle is an electric vehicle that replaced a diesel vehicle;

13. Whether the vehicle has been retrofit, repowered, or replaced with Surplus Off-road Opt-in for NOx program funding and, if so, the start and end dates of the contract period;
14. Whether the vehicle has been retrofit, repowered, or replaced with Carl Moyer program funding;
15. Whether the vehicle has been retrofit through a demonstration program, and - if so - which program;
16. EIN if it has already been assigned;
17. License plate number, if vehicle has a license plate.

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.

§ 2449.3. Surplus Off-Road Opt-In for NOx (SOON) Program

(a) Purpose

(b) Applicability

(1) District Applicability –

(2) Fleet Applicability – Section 2449.3 applies to a fleet that:

- (A) Operates individual vehicles within the air district;
- (B) As of January 1, 2008, on a statewide level, consisted of more than 40 percent Tier 0 and Tier 1 vehicles, and;
- (C) Has a statewide fleet with maximum power greater than 20,000 horsepower (hp), excluding the hp from engines in two-engine cranes and the hp from single engine cranes formerly subject to the Cargo Handling Equipment Regulation.

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.