

Final Regulation Order

REGULATION FOR IN-USE OFF-ROAD DIESEL VEHICLES

Amend sections 2449 and 2449.3, title 13, article 4.8, chapter 9, California Code of Regulations (CCR) to read as follows:

(Note: The amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The symbol “* * * *” means that intervening text not being amended is not shown.)

Article 4.8 In-Use Off-Road Diesel-Fueled Fleets

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

(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 or two-engine water well drilling rigs, vehicles 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.

This regulation also applies to any person who sells a vehicle with such an engine within California.

Persons who provide financing in the form of “finance leases,” as defined in California Uniform Commercial Code Section 10103(a)(7), for in-use off-road diesel-fueled vehicles, do not “own” such vehicles for the purposes of this regulation.

Vehicles with engines subject to this regulation are used in construction, mining, rental, government, landscaping, recycling, landfilling, manufacturing, warehousing, ski

industry, composting, airport ground support equipment, industrial, and other operations. The regulation does not cover locomotives, commercial marine vessels, marine engines, recreational vehicles, or combat and tactical support equipment. The regulation also does not cover stationary or portable equipment, equipment or vehicles used exclusively in agricultural operations, or equipment already subject to the Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards. Off-road diesel vehicles owned and operated by an individual for personal, non-commercial, and non-governmental purposes are exempt from the provisions of this regulation.

(c) Definitions

(60) “Two-Engine Water Well Drilling Rig” means a mobile diesel-powered drilling rig owned by a water well drilling contractor with a current, valid C-57 license issued by the Contractors State License Board of California and used exclusively to drill water wells with a drilling mechanism mounted on a specially constructed truck chassis or carrier; one engine provides motive power, and a secondary engine is used to power the drilling mechanism.

(601) “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.

(612) “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.

(623) “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.

(e) Special Provisions/Compliance Extensions

(16) Two-Engine Water Well Drilling Rigs – Both engines in a two-engine water well drilling rig 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 water well drilling rig 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 water well drilling rig.

(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. Notwithstanding the aforementioned reporting dates, the initial reporting date for two-engine water well drilling rigs is April 1, 2011. Reports must include the following information:

(A) Fleet Owner –

1. Fleet owner's name;
2. Corporate parent name (if applicable);
3. Corporate parent taxpayer identification number (if applicable);
4. Company taxpayer identification number;
5. Address;
6. Responsible person name;
7. Responsible person title;
8. Contact name;
9. Contact phone number;
10. Contact email address (if available);
11. Whether the fleet owner is a low population county local municipality fleet;
12. Whether the fleet owner has an approval from the Executive Officer to be treated as if in a low-population county;
13. Whether the fleet owner is a non-profit training center;
14. Whether the fleet has an idling policy documented and available to employees;
15. Whether the fleet is using a fuel-based strategy as an emissions control strategy;

16. Whether the fleet is a Captive Attainment Area Fleet.

(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 and two-engine water well drilling rigs, 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, 43018, and 43018.2, 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, 43018, and 43018.2, 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 and the hp from two-engine water-well drilling rigs.

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.