

13 CA ADC § 2021 - Solid Waste Collection Vehicles.

(a) Scope and Applicability. Sections 2021 and 2021.1 shall apply to municipalities that have a contract with owners for residential and commercial solid waste collection service. Sections 2021 and 2021.2 shall apply to solid waste collection vehicle owners, both private and government entities. These regulations mandate the reduction of diesel particulate matter emissions from 1960 to 2006 model year engines in on-road diesel-fueled heavy-duty residential and commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds.

(b) Definitions. The definitions in Section 2020 shall apply to sections 2021, 2021.1, and 2021.2. In addition, the following definitions apply only to sections 2021, 2021.1, and 2021.2.

“Active fleet” means the total, by terminal, of an owner's collection vehicles, excluding backup vehicles.

“Backup vehicle” means a collection vehicle that is driven fewer than 1000 miles annually.

“Contract” means an agreement between an owner and a municipality to perform residential or commercial solid waste collection services, in which the contractor's compensation for providing services, or a formula for determining compensation, is specified.

“Contractor” means an owner with a contract as defined in this section.

“Residential and commercial solid waste” means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.

“Retirement” or “Retire” means an engine or vehicle will be withdrawn from an active fleet in California. The engine may be sold outside of California, scrapped, or used in a backup vehicle.

“Roll off vehicle” means any heavy-duty vehicle used for transporting waste containers such as open boxes or compactors that may be removed from the tractor.

“Solid waste collection vehicle or collection vehicle” means an on-road heavy-duty vehicle with a manufacturer's gross vehicle weight rating of greater than 14,000 pounds used for the purpose of collecting residential and commercial solid waste for a fee, including roll off vehicles.

“Total Fleet” means the total of an owner's collection vehicles, excluding backup vehicles.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 39650-39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

HISTORY

1. New section filed 7-20-2004; operative 7-20-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 30).
2. Amendment of subsection (b) (new definition of "Retirement" or "Retire") filed 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).

13 CCR § 2021, 13 CA ADC § 2021

13 CCR § 2021.1 - Methods for Determining Compliance for a Municipality That Contracts with Owners for Solid Waste Collection.

(a) Compliance Requirement. A municipality shall include language requiring the contractor be in compliance with all applicable air pollution control laws in any new contract that has an effective date of December 31, 2004 or later.

(b) Reporting Requirement. A municipality shall submit an annual report to the Executive Officer by January 31, 2005, and by each January 31 through 2013, as described below:

(1) A listing of its contractor(s) as of January 1 of each applicable year, and including the following information:

(A) Municipality name, address, telephone number, fax number, contact name and electronic mail address;

(B) For each contract, the contractor name, owner name, contact name, if different from owner name, business address, business telephone number, business fax number, contact electronic mail address, and the address of each terminal in the jurisdiction that houses collection vehicles, serving the municipality.

(c) Non-Compliance. Any violations of this section may carry civil penalties as specified in state law and regulations.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 39650-39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

HISTORY

1. New section filed 7-20-2004; operative 7-20-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 30).

13 CA ADC § 2021.2 - Methods for Determining Compliance for an Owner of Solid Waste Collection Vehicles.

(a) Compliance Requirements. Beginning with the applicable effective dates, an owner who operates an active fleet of one or more collection vehicles is required to comply with this diesel particulate matter control measure. Compliance requires all of the following:

(1) Use of a best available control technology for each collection vehicle in the active fleet as specified in subsection (b),

(2) Implementation for collection vehicles in the active fleet as specified in subsection (c), and

(3) If a compliance deadline extension is granted by the Executive Officer per subsection (d), the owner shall be deemed to be in compliance as specified by the Executive Officer's authorization; and

(4) Special circumstances that may apply when a diesel emission control strategy is used as a best available control technology as specified in subsection (e); and

(5) Records must be kept as specified in subsection (f).

(6) Continuous Compliance. An owner is required to keep his collection vehicle in compliance with this regulation, once it is in compliance, so long as the owner is operating the collection vehicle in California.

(b) Best Available Control Technology. Each owner shall use one of the following best available control technologies on each engine or collection vehicle in his fleet as required by the implementation schedule in subsection (c):

(1) An engine or power system certified to the optional 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a)(2), or the 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a), when effective; or

(2) An engine or power system certified to the 0.1 g/bhp-hr particulate emission standard, as specified in title 13, California Code of Regulations, section 1956.8, used in conjunction with the highest level diesel emission control strategy as defined in subsection (b)(4) applied by the implementation schedule in subsection (c); or

(3) An alternative fuel or heavy-duty pilot ignition engine; model year 2004-2006 alternative fuel engines must be certified to the optional, reduced emission standards as specified in title 13, California Code of Regulations, section 1956.8(a)(2)(A); or

(4) The highest level diesel emission control strategy per title 13, California Code of Regulations, section 2702(f), Table 1, that is verified for a specific engine to reduce diesel particulate matter and which the diesel emission control strategy manufacturer or

authorized dealer agrees can be used on a specific engine and collection vehicle combination, without jeopardizing the original engine warranty in effect at the time of application.

(c) Implementation Schedule. The owner shall comply with the schedule in Table 1 - Implementation Schedule for Solid Waste Collection Vehicles, Model Years 1960 to 2006, for the specified percentage of collection vehicles by each applicable compliance deadline.

Table 1 - Implementation Schedule for Solid Waste Collection Vehicles, Model Years 1960 to 2006.

Group	Engine Model Years	Percentage of Group to Use Best Available Control Technology	Compliance Deadline
1	1988-2002	10	December 31, 2004
		25	December 31, 2005
		50	December 31, 2006
		100	December 31, 2007
2a [FNa]	1960-1987 (Total fleet < 15 collection vehicles)	15	December 31, 2005
		40	December 31, 2006
		60	December 31, 2007
		80	December 31, 2008
		100	December 31, 2009
2b	1960-1987 (Total fleet < 15 collection vehicles)	25	December 31, 2007
		50	December 31, 2008
		75	December 31, 2009
		100	December 31, 2010
3	2003-2006 (Includes dual-	50	December 31, 2009
		100	December 31,

[FNa] Group 2a: An owner may not use Level 1 technology as best available control technology on Group 2a engines or collection vehicles.



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(1) Calculating Number of Collection Vehicles Required for Implementation based on Active Fleet Size. The owner shall calculate the size of his active fleet as of January 1 of each year (#SWCV) based on the model year of each engine (#Engines) plus the number of engines removed from the model year group by retirement in prior years (TotRetire) and determine the number of collection vehicles required for implementation as follows.

$$\#SWCV = \#Engines + TotRetire$$

(A) The owner shall determine the total number of collection vehicles required to be in compliance by the compliance deadline in Table 1 (TotVeh) by multiplying "Percentage of Group to Use Best Available Control Technology" (Group_iCT) for that year by the sum of the number of collection vehicles in an engine model year group (#SWCV) as in this following expression:

$$TotVeh = (Group_iCT) \times (\#SWCV)$$

(B) After the first compliance deadline for each group, the owner shall determine the additional number of collection vehicles to be brought into compliance each subsequent year (TotAddComp) by subtracting the number of engines or collection vehicles brought into compliance the previous years using the method listed in subsection (b)(4) (TotRetrofit) or by retirement (TotRetire) from the total number of collection vehicles required to be in compliance (TotVeh), as in the following expression:

$$TotAddComp = TotVeh - TotRetrofit - TotRetire$$

(C) Notwithstanding subsection (B) above, in the 100 percent compliance deadline year for each engine model year group the owner shall bring the remaining engines and collection vehicles into compliance.

(D) If the TotVeh or TotAddComp is not equal to a whole number of collection vehicles, the owner shall round up to the nearest collection vehicle when the fractional part of TotAddComp is greater than or equal to one-half of a collection vehicle, and round down to the nearest collection vehicle when the fractional part of TotAddComp is less than one-half of a collection vehicle.

(d) Compliance Extensions. An owner may be granted an extension to a compliance deadline specified in subsection (c) for one of the following reasons:

(1) Compliance Extension based on Early Implementation. An owner will be granted an extension based on compliance with one or more of the following early implementation schedules, provided the Executive Officer has received a letter by the applicable early compliance deadline stating the owner's intent to comply with one of the following conditions:

(A) If an owner has implemented best available control technology on fifty percent or more of his Group 1 total fleet of collection vehicles, at least fifty percent of which are the owner's oldest collection vehicles in Group 1, by July 1, 2005, then the owner may delay the final compliance deadline for Group 1 to December 31, 2009.

(B) If an owner has implemented best available control technology on fifty percent or more of his Group 2a total fleet of collection vehicles by December 31, 2005, then the owner may delay the intermediate and final compliance deadlines for Group 2a to December 31, 2010.

(C) If an owner has implemented best available control technology on fifty percent or more of his Group 2b total fleet of collection vehicles by December 31, 2006, then the owner may delay the intermediate and final compliance deadlines for Group 2b to December 31, 2011.

(2) Compliance Extension based on No Verified Diesel Emission Control Strategy. If the Executive Officer has not verified a diesel emission control strategy, or one is not commercially available, for a particular engine and vehicle combination, an annual extension in compliance may be granted by the Executive Officer under one of the conditions specified below:

(A) Executive Officer Compliance Extension. The Executive Officer shall grant a blanket one-year compliance extension if a diesel emission control strategy is not verified for an engine ten months prior to each compliance deadline specified in subsection (c).

(i) For a Group 1 collection vehicle engines, the Executive Officer shall grant an annual extension through 2007, after which the owner shall comply with subsection (b) by December 31, 2008.

(ii) For a Group 2a collection vehicle engine, the Executive Officer shall grant an annual extension through 2008, after which the owner shall comply with subsection (b) by December 31, 2009.

(iii) For a Group 2b or 3 collection vehicle engines, the Executive Officer shall grant an annual extension through 2010, after which the owner shall comply with subsection (b) by December 31, 2011.

(B) Owner Application Compliance Extension. An owner may apply to the Executive Officer for a compliance extension for an engine six months prior to each compliance deadline specified in subsection (c). The owner must first apply best available control technology to all applicable engines as required before requesting an extension. The owner shall meet the following application conditions and documentation requirements by providing the following to the Executive Officer:

(i) Identification of each engine, by vehicle identification number; engine manufacturer, model year, family, and series; and type of collection vehicle, for which no diesel emission control strategy has been verified, or

(ii) Identification of each engine, by vehicle identification number; engine manufacturer, model year, family, and series; and type of collection vehicle, for which a specific diesel emission control strategy would jeopardize the original engine warranty and a statement from the engine manufacturer or authorized dealer stating the original engine warranty would be jeopardized, or

(iii) Identification of each engine and vehicle combination, by vehicle identification number; engine manufacturer, model year, family, and series; and type of collection vehicle, for which no diesel emission control strategy is commercially available and a list of manufacturers that have been contacted with their responses to a request to purchase, and

(iv) A description of the reason for the request for a compliance extension for each engine or engine and collection vehicle combination, and

(v) A copy of the statement of compliance as required in subsection (f)(1)(H) for all applicable collection vehicles, and

(vi) Submission of the application for compliance extension to the Executive Officer no later than July 31 annually beginning 2004. For a Group 1 collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2007, after which the owner shall comply with subsection (b) by December 31, 2008. For a Group 2a collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2008, after which the owner shall comply with subsection (b) by December 31, 2009. For a Groups 2b or 3 collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2010, after which the owner shall comply with subsection (b) by December 31, 2011. The Executive Officer will grant a compliance extension for only one year for an engine in Group 2a or 2b.

(3) Compliance Extension for an Owner with a Total Fleet of Fewer than Four Solid Waste Collection Vehicles. An owner with three or fewer collection vehicles in his total fleet may delay the intermediate compliance deadline of any engine to its applicable final compliance deadline.

(4) Compliance Extension for an Owner of a Dual-Fuel or Bi-Fuel Engine. An owner may delay implementation of a Group 1 dual-fuel or bi-fuel engine to the Group 3 compliance deadlines.

(5) Compliance Extension for an Engine near Retirement. If an owner has applied best available control technology to all applicable engines as required, and the next applicable engine is scheduled to be retired from the active fleet within one year of the applicable compliance deadline, then the owner is exempt from applying the best available control technology as defined in subsection (b) to that engine for a maximum of one year, provided documentation of expected retirement date is kept in records as specified in subparagraph (f) and the engine is retired as of the stated expected date.

(6) Use of Experimental Diesel Particulate Matter Emission Control Strategies. An owner may use an experimental diesel particulate matter emission control strategy provided by or operated by the manufacturer in no more than 20 collection vehicles, or ten percent, of his total fleet, whichever is less, for testing and evaluation purposes. The owner shall keep documentation of this use in records as specified in subsection (f). Each collection vehicle will be considered to be in compliance for the duration of the experiment, or a maximum of two years. The owner must bring the collection vehicle into compliance within six months of the end of the testing and evaluation period. No experimental diesel particulate matter emission control strategy may be used on a collection vehicle after December 31, 2010.

(e) Diesel Emission Control Strategy Special Circumstances. An owner shall maintain the original level of best available control technology on each engine once that engine is in compliance, and is not required to upgrade to a higher level of best available control technology, except under specified special circumstances, as follows:

(1) Diesel Emission Control Strategy Failure or Damage. In the event of a failure or damage of a diesel emission control strategy, the following conditions apply:

(A) Failure or Damage during the Warranty Period. If a diesel emission control strategy fails or is damaged within its warranty period and the diesel emission control strategy manufacturer or authorized dealer determines it can not be repaired, the owner shall replace the diesel emission control strategy with either the same level diesel emission control strategy or another best available control technology as defined in subsection (b).

(B) Failure or Damage Outside of Warranty Period. If a diesel emission control strategy fails or is damaged outside of its warranty period, and it cannot be repaired, the owner shall apply the best available control technology at the time of replacement, as defined in subsection (b).

(2) Discontinuation of Fuel Verified as a Diesel Emission Control Strategy. If an owner discontinues use of a fuel verified as a diesel emission control strategy, the owner shall apply best available control technology within 30 days of the date of discontinuation or submit a compliance plan to the Executive Officer no later than 30 days after discontinuation that demonstrates how the owner will bring his collection vehicles into compliance within six months of the date of discontinuation.

(3) Limited Use of Level 1 Diesel Emission Control Strategy. If a Level 1 diesel emission control strategy is identified as the best available control technology pursuant to subsection (b), an owner is subject to the following limitations:

(A) Group 1. An owner may use a Level 1 diesel emission control strategy in a Group 1 engine for up to ten years, after which the owner shall replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b), except that a Level 1 diesel emission control strategy cannot be installed.

(B) Group 2a. An owner with 15 or more collection vehicles in his total fleet may not use a Level 1 diesel emission control strategy on any Group 2a engine.

(C) Group 2b. An owner with fewer than 15 collection vehicles in his total fleet may use a Level 1 diesel emission control strategy in a Group 2b engine for up to ten years, after

which the owner shall replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b), except that a Level 1 diesel emission control strategy cannot be installed.

(D) Group 3. An owner may use a Level 1 diesel emission control strategy in a Group 3 engine for up to five years, after which the owner shall replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b), except that a Level 1 diesel emission control strategy cannot be installed.

(f) Record Keeping Requirement. Beginning December 31, 2004, an owner shall maintain the following records. The owner shall provide the following records to an agent or employee of the Air Resources Board upon request for all collection vehicles in his total fleet subject to compliance with this regulation.

(1) Records Accessible at Terminal. The owner shall keep the following records accessible either in hard copy format or computer records at the terminal where a collection vehicle normally resides:

(A) A list by vehicle identification number of collection vehicles identifying each vehicle type; engine manufacturer, model year, family, and series; and status as active fleet or back-up vehicle, and

(B) Correlated to each collection vehicle, the installed diesel emission control strategy, its serial number, manufacturer, model, level, installation date, and if using a Level 1 or Level 2 verified diesel emission control strategy, the reason for the choice, and

(C) Records of maintenance for each installed diesel emission control strategy, and

(D) For fuel or fuel additives used as a diesel emission control strategy, the most recent two years worth of records of purchase that demonstrate usage, and

(E) For each backup vehicle, its mileage as of January 1 of each year beginning January 1, 2005 correlated to the information in paragraph (1)(A) above, and

(F) For each engine for which an owner is claiming an exemption pursuant to paragraph (d)(5), the retirement date correlated to the information in paragraph (1)(A) above, and

(G) For each engine for which an owner is claiming an extension pursuant to paragraph (d)(6), the records of the test plan, including start and end dates of the experiment; diesel particulate matter emission control strategy manufacturer name and contact information (representative, address, and phone number); name and type of experimental diesel particulate matter emission control strategy; and targeted data to be generated by experiment, correlated to the information in paragraph (1)(A) above, and

(H) A statement of compliance, prepared beginning January 1, 2005, and renewed each January 1 thereafter until January 1, 2013, certifying that the owner's engines are in compliance as required, including the following:

(i) "The solid waste collection vehicles at terminal (insert terminal identification number) are in compliance with title 13, California Code of Regulations, section 2021.2;" and

(ii) The owner's name, business address, business telephone; and

(iii) The signature of the owner or owner's agent and date signed.

(2) Records Kept in the Solid Waste Collection Vehicle. For each collection vehicle, the owner shall keep the following information affixed to the driver's side door jamb, or another readily accessible location known by the driver of each collection vehicle, in the form of a legible and durable label:

(A) For a collection vehicle operated under contract to a municipality, the name of the municipality or municipalities, and

(B) For each installed diesel emission control strategy, label information as specified in title 13, California Code of Regulations, section 2706 (g), and the installation date, or

(C) Engine model year and planned compliance date, or

(D) Designation as a backup vehicle and its mileage as of January 1 of each year beginning January 1, 2005, or

(E) Engine model year and retirement date for an engine for which an owner is claiming an exemption pursuant to paragraph (d)(5), or

(F) Engine model year and beginning and ending date of the test plan for an engine for which an owner is claiming an extension pursuant to paragraph (d)(6).

(3) Each owner shall maintain these records for each collection vehicle until it is sold outside of the State of California or is no longer used as a collection vehicle for the purpose of residential or commercial solid waste collection in the State of California. If ownership is transferred, the seller shall convey the records to the buyer.

(g) Non-Compliance. Any violations of this section may carry civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674.

Note: Authority cited: Sections 39600, 39601 and 39658, Health and Safety Code.
Reference: Sections 39002, 39003, 39650-39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

HISTORY

1. New section filed 7-20-2004; operative 7-20-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 30).

13 CCR § 2021.2, 13 CA ADC § 2021.2

13 CA ADC § 2022 - Diesel Particulate Matter Control Measure for Municipality or Utility On-Road Heavy-Duty Diesel-Fueled Vehicles.

(a) Scope and Applicability. Sections 2022 and 2022.1 apply to any municipality or utility that owns, leases, or operates an on-road diesel-fueled heavy-duty vehicle with either a

1960 to 2006 model-year heavy-duty engine or a 2007 model-year or newer engine certified to greater than 0.01 grams per brake horsepower-hour particulate emission standard and manufacturer's gross vehicle weight rating greater than 14,000 pounds. These sections do not apply to a vehicle subject to the solid waste collection vehicle rule commencing with title 13, California Code of Regulations, section 2021 or to the fleet rule for transit agencies commencing with section 2023, or to a school bus as defined in Vehicle Code section 545, or to a military tactical support vehicle, as described in title 13, California Code of Regulations, section 1905, or to an emergency vehicle as described in California Vehicle Code, section 27156.2, or to an off-road vehicle as described in title 13, California Code of Regulations, sections 2401, 2421, 2411 and 2432.

(b) Definitions. The definitions in section 2020 shall apply to sections 2022, and 2022.1. In addition, the following definitions apply only to sections 2022, and 2022.1.

(1) "Dedicated Snow Removal Vehicle" means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger and is operated exclusively to perform snow removal operations.

(2) "Dual Engine Street Sweeper" means an on-road heavy-duty vehicle, over 14,000 pounds gross vehicle weight rating, that is used for the express purposes of removing material from road surfaces, by mechanical means through the action of one or more brooms, or by suction through a vacuum or regenerative air system or any combination of the above. A dual engine street sweeper has an engine to propel the vehicle and an auxiliary engine to power the broom or vacuum.

(3) "Lease" means to operate a vehicle that is owned by a rental or leasing company for a period of one year or more.

(4) "Low-Population County" means a county with a population of less than 125,000, based upon the California Department of Finance estimates as of July 1, 2005, and as listed in Table 2 of title 13, California Code of Regulations section 2022.1.

(5) "Low Usage Vehicle" means a vehicle that is operated for fewer than 1000 miles or 50 hours per year, based on a 5 year rolling mileage or engine-hour average. A vehicle that does not have a properly functioning odometer, tachograph, or other reliable device to measure usage may not qualify as a low usage vehicle.

(6) "Low-Population County Low Usage Vehicle" means a vehicle that is owned or operated by a municipality or utility located in a low-population county and is operated, based on a 5 year rolling mileage or engine hour average for fewer than 3000 miles or 150 hours, excluding mileage or engine hours used during snow removal operations. A vehicle that does not have a properly functioning odometer, tachograph, or other reliable device to measure usage may not qualify as a low-population county low usage vehicle.

(7) "Operate" means to use or manage a vehicle by a municipal or utility employee for the purposes of conducting work by or for the municipality or utility. This does not include personal vehicle use for commuting to or from the workplace.

(8) "Retirement" or "Retire" means the withdrawal of an engine or vehicle subject to this rule from a municipality or utility fleet in California; the engine may be sold outside of the

State of California, scrapped, converted for use in a low usage vehicle or low-population county low usage vehicle. "Retirement" or "retire" also means the transfer of an engine or vehicle, which is subject to this rule and has been brought into compliance with title 13, California Code of Regulations, section 2022.1(b), from a municipality or utility fleet in California to another person or entity in California. In addition, "retirement" means the sale of a dual engine street sweeper with a model year engine of 2004, 2005, or 2006 in the State of California to a buyer who must comply with title 13, California Code of Regulations, section 2025.

(9) "Sold Outside of the State of California" means a sale of a vehicle for operation outside the State of California to satisfy the definition of "retirement" in section 2022(b)(8). A municipality or utility must submit a completed "VIN stop" application, as defined in title 13, California Code of Regulations, section 2022(b)(10), to the Executive Officer prior to sale of the vehicle. ARB will obtain VIN Stop from Department of Motor Vehicles. A municipality or utility must also follow the record-keeping requirements as defined in title 13, California Code of Regulations, section 2022(f)(1)(K). If a municipality or utility is selling a vehicle through a Third Party Vehicle Seller, it must include Third Party Vehicle Seller contract language as defined in title 13, California Code of Regulations, section 2022(h).

(10) "Third Party Vehicle Seller" means a person that a municipality or utility uses to sell a vehicle outside of the State of California.

(11) "Total Fleet" means the total of a municipality's or utility's on-road heavy-duty vehicles with a 1960 to 2006 model-year medium heavy-duty or heavy heavy-duty engine and a manufacturer's gross vehicle weight rating greater than 14,000 pounds, excluding (A) low usage vehicles, (B) low-population county, low usage vehicles, (C) dedicated snow-removal vehicles, and (D) gasoline fueled vehicles. ¹ As of January 1, 2009, "Total Fleet" means the total of a municipality's or utility's on-road heavy-duty vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds with a 1960 to 2006 model-year heavy-duty engine or with a 2007 model-year or newer heavy-duty engine certified to greater than 0.01 grams per brake horsepower-hour particulate emission standard, excluding low usage vehicles; low-population county, low usage vehicles; dedicated snow-removal vehicles; and gasoline fueled vehicles.

(12) "Utility" means a privately-owned company that provides the same or similar services for water, natural gas, and electricity as a public utility operated by a municipality.

(13) "Vehicle Type" means one of the following categories: "Compliant" for those vehicles that meet the requirements of section 2022.1(b); "Future Compliant" for those vehicles for which the municipality or utility has a planned compliance date; "Retired" for those vehicles that will meet the definition of "retirement" at a planned retirement date; "Low Usage or Low-Population County Low Usage" for those vehicles that meet the applicable definitions in this section; and "Experimental" for those vehicles that are part of an experimental program and comply with the provisions of section 2022.1(d)(5).

(14) "VIN stop" means a Department of Motor Vehicle's registration hold based on a vehicle identification number to prevent a vehicle from being re-registered in California after a vehicle is "retired."

¹ Gasoline vehicles that do not meet the best available control technology (BACT) requirements specified in title 13, California Code of Regulations, section 2022.1(b)(3) are excluded from the total fleet calculation.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39002, 39003, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39664, 39665, 39667, 39674, 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

HISTORY

1. New section filed 12-6-2006; operative 1-5-2007 (Register 2006, No. 49).
2. Amendment of subsections (a) and (b), new subsections (b)(2)-(3), (b)(7), (b)(9)-(10) and (b)(14), subsection renumbering and amendment of newly designated subsections (b)(8) and (b)(11) and Note filed 12-3-2009; operative 12-3-2009 pursuant to Government Code section 11343.4(c) with respect to all equipment other than street sweepers; operative with respect to street sweepers upon filing of proposed section 2025 (Register 2009, No. 49).

13 CCR § 2022, 13 CA ADC § 2022

13 CA ADC § 2022.1 - Determining Compliance for a Municipality or Utility.

(a) Compliance Requirements. Beginning with the applicable effective dates, a municipality or utility is required to comply with this diesel particulate matter control measure for each vehicle in its total fleet. Compliance requires all of the following:

- (1) Use of a best available control technology (BACT) for each vehicle in the total fleet as specified in subsection (b);
- (2) Implementation for each vehicle in the total fleet as specified in subsection (c);
- (3) If a compliance deadline extension is granted by the Executive Officer per subsection (d), the municipality or utility shall be deemed to be in compliance as specified by the Executive Officer's authorization;
- (4) Special circumstances must be followed as specified in subsection (e);
- (5) Records must be kept as specified in subsection (f); and
- (6) Continuous compliance: municipality or utility is required to keep each vehicle in compliance with this regulation, once it is in compliance, so long as the municipality or utility is operating the vehicle in California.

(b) Best Available Control Technology. Each municipality or utility shall use one of the following best available control technologies on each applicable vehicle in its total fleet as required by the implementation schedule in subsection (c):

(1) An engine or power system certified to the optional 0.01 grams per brake horsepower-hour (g/bhp-hr) particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a)(2), or the 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a), as appropriate for the engine's model-year; or

(2) An engine or power system certified to the 0.10 g/bhp-hr particulate emission standard, as specified in title 13, California Code of Regulations, section 1956.8, used in conjunction with the highest level diesel emission control strategy as defined in subsection (b)(4) applied by the implementation schedule in subsection (c); or

(3) An alternative fuel engine, heavy-duty pilot ignition engine, or gasoline engine. Model-year 2004-2006 alternative fuel engines must be certified to the optional, reduced emission standards as specified in title 13, California Code of Regulations, section 1956.8(a)(2)(A). Gasoline engines must be certified to the emission standards as specified in title 13, California Code of Regulations, for heavy-duty Otto-cycle engines used in heavy-duty vehicles over 14,000 pounds gross vehicle weight, sections 1956.8(c)(1)(B) and 1976(b)(1)(F); or

(4) The highest level diesel emission control strategy per title 13, California Code of Regulations, section 2702(f), Table 1, that is verified for a specific engine to reduce diesel particulate matter and which the diesel-emission-control strategy manufacturer or authorized dealer agrees can be used on a specific engine and fleet-vehicle combination, without jeopardizing the original engine warranty in effect at the time of application.

(c) Implementation Schedule.

(1) A municipality or utility shall comply with the schedule in Table 1 - Implementation Schedule for a Municipal and Utility Total Fleet Vehicle, 1960 and newer Model-Year Engines for the specified percentage of vehicles by each applicable compliance deadline.

Table 1 - Implementation Schedule for a Municipal and Utility Total Fleet Vehicle, 1960 and newer Model-Year Engines.

Group	Engine Model-Years	Percentage of Group to Use Best Available Control Technology	Compliance Deadline, As of December 31
1 ^a	1960-1987	20	2007
		60	2009
		100	2011
2	1988-2002	20	2007
		60	2009

		100	2011
3	2003-2006 (Includes dual-fuel and bi-fuel engines)	50 100	2009 2010
4	2007 and newer certified above the 0.01g/bhp-hr std.	100	2012

^a An owner may not use Level 1 technology, as classified pursuant to title 13, California Code of Regulations section 2020, as best available control technology on a Group 1 engine or vehicle.

(2) Municipality or Utility Located in a Low-Population County. A municipality or utility that is headquartered in a county in Table 2 may elect to follow the option in Table 3 below in lieu of the implementation schedule in Table 1.

Table 2 - Low-Population Counties

COUNTY	Population as of July 1, 2005
ALPINE	1,300
AMADOR	37,600
CALAVERAS	47,800
COLUSA	24,200
DEL NORTE	31,500
GLENN	31,800
INYO	18,800
LAKE	69,200
LASSEN	39,800
MARIPOSA	19,600
MENDOCINO	95,500
MODOC	10,100
MONO	14,200
NEVADA	106,300
PLUMAS	21,900
SAN BENITO	63,600
SIERRA	3,700
SISKIYOU	47,200
SUTTER	90,400
TEHAMA	63,400
TRINITY	13,800
TUOLUMNE	62,200
YUBA	66,000

Table 3 - Implementation Schedule for a Municipality or Utility Located in a Low-Population County or Granted Low-Population County Status

Group	Engine Model-Years	Percentage of Group to Use Best Available Control Technology	Compliance Deadline, As of December 31
1	1960-1987	20	2009
		40	2011
		60	2013
		80	2015
		100	2017
2	1988-2002	20	2008
		40	2010
		60	2012
		80	2014
		100	2016
3	2003-2006 (Includes dual-fuel and bi-fuel engines)	20	2011
		40	2012
		60	2013
		80	2014
		100	2015
4	2007 and newer certified above the 0.01g/bhp-hr std.	20	2012
		40	2013
		60	2014
		80	2015
		100	2016

(3) *Accelerated Turnover Option for Municipality or Utility Located in a Low-Population County or Granted Low-Population County Status.* A municipality or utility headquartered in a county listed in Table 2 or granted low-population county status may elect to follow the option in Table 4 below in lieu of the implementation schedules in Table 1 or 3.

Table 4 - Accelerated Turnover Option for a Municipality or Utility Located in a Low-Population County or Granted Low-Population County Status

Fleet
Percent

Engine Model-Year	to Repower with a 1994 or newer engine	Compliance Date as of Dec 31	Percent of Fleet to use BACT	Compliance Date as of Dec 31
1960-1993	100%	2020	100%	2025
1994 and newer	N/A	N/A	100%	2025

(4) A municipality or utility not specifically listed in Table 2 may apply to the Executive Officer for consideration as a fleet located in a designated “low-population county.” The Executive Officer shall issue that designation provided that all of the following criteria are met:

(A) The total fleet is located in a “nonurbanized area,” a “rural and small urban area,” or any area outside of an urbanized area, as designated by the U.S. Bureau of the Census. An urbanized area consists of a core area and the surrounding densely populated area with a total population of 50,000 or more, with boundaries fixed by the Bureau of the Census or extended by state and local officials; or

(B) The fleet is located in a county that, as of July 1, 2005, has a population of less than 325,000 and meets the definition of a low-population county when the population of one or more cities that have their own municipal vehicle fleet are subtracted from the county population, and the fleet does not operate within those cities' boundaries; and

(C) The fleet revenue is not based on special district assessments or fees.

(5) Calculating Number of Total Fleet Vehicles Required for Implementation.

(A) As of January 1 of each year where a compliance deadline is applicable, a municipality or utility shall calculate, for each engine model-year group, the number of vehicles in its total fleet for which compliance will be required. This fleet size by engine model-year group ($\#MUV_{by\ group}$)² must be calculated using the following equation:

$$\#MUV_{by\ group} = \#Vehicles_{by\ group} + TotRetire_{by\ group}$$

Where:

$\#Vehicles_{by\ group}$ = the number of vehicles in an engine model-year group subject to the rule, and

$TotRetire_{by\ group}$ = the number of vehicles removed from the model-year group by retirement in prior years, beginning with January 1 of the initial applicable compliance deadline year for each group.

If a vehicle has left the total fleet for reasons other than retirement, it must not be included in the calculation of $\#MUV_{by\ group}$.

(B) The municipality or utility shall use the following equation to determine the total number of vehicles in an engine model-year group that are required to be in compliance by the deadline in Table 1 (TotVeh_{by group}):

$$\text{TotVeh}_{\text{by group}} = \text{Group\%BACT}_{\text{by group}} \times \text{\#MUV}_{\text{by group}}$$

Where:

Group%BACT_{by group} = the percentage of vehicles in an engine model-year group that must meet BACT requirements for a given year as specified in subsection (c), and

\#MUV_{by group} = the total fleet size by engine model-year group as defined in paragraph (5)(A) above

(C) After the first compliance deadline for each group, the municipality or utility shall determine the number of additional vehicles in each model-year group to be brought into compliance each year that a compliance deadline is applicable (TotAddComp_{by group}). The following equation must be used to calculate TotAddComp_{by group}:

$$\text{TotAddComp}_{\text{by group}} = \text{TotVeh}_{\text{by group}} - \text{TotBACT}_{\text{by group}} - \text{TotRetire}_{\text{by group}}$$

Where:

TotVeh_{by group} = the total number of vehicles in an engine model-year group required to be in compliance, as defined in paragraph (5)(B) above,

TotBact_{by group} = the number of vehicles in an engine model-year group that have been brought into compliance since the earliest compliance deadline using the method listed in subsection (b), and

TotRetire_{by group} = the number of vehicles retired in prior years as defined in paragraph (5)(A) above

If a vehicle has left the total fleet for reasons other than retirement, it must not be included in the calculation of TotAddComp_{by group}.

(D) Notwithstanding subsection (C) above, in the 100 percent compliance deadline year for each engine model-year group, the municipality or utility shall bring the remaining vehicles into compliance.

(E) If the TotVeh_{by group} or TotAddComp_{by group} is not equal to a whole number, the municipality or utility shall round up a whole number when the fractional part of TotAddComp_{by group} is equal to or greater than 0.5, and round down if less than 0.5.

(d) Compliance Extensions. A municipality or utility may be granted an extension to a compliance deadline specified in subsection (c) for one of the following reasons:

(1) Compliance Extension Based on Early Implementation. A municipality or utility may be granted an extension based on compliance with one or more of the following early implementation schedules, provided the Executive Officer has received a letter by the

applicable early compliance deadline stating the municipality's or utility's intent to comply with one of the following conditions and the municipality or utility meets the requirements set forth in paragraphs (A), (B), (C) or (D).

(A) If a municipality or utility has implemented best available control technology on fifty percent or more of its Group 1 vehicles in its total fleet by December 31, 2007, then the municipality or utility may delay the intermediate and final compliance deadlines for the remaining Group 1 vehicles to July 1, 2012.

(B) If a municipality or utility has implemented best available control technology on fifty percent or more of its Group 2 vehicles in its total fleet by December 31, 2007, then the municipality or utility may delay the intermediate and final compliance deadlines for the remaining Group 2 vehicles to July 1, 2012.

(C) If a municipality or utility has implemented BACT on 100 percent of its Group 1 and Group 2 engines by December 31, 2008, then the municipality or utility may follow the alternate implementation schedule for its Group 3 engines of 20 percent BACT by December 31, 2009, 60 percent BACT by December 31, 2011 and 100 percent BACT by December 31, 2012.

(D) If a municipality or utility employs significant quantities of advanced technology vehicles (for example, hybrid electric vehicles) to meet BACT requirements, then the municipality or utility may apply to the Executive Officer for approval of a longer implementation schedule for its Group 2 and Group 3 vehicles, or approval of credits to be used towards BACT compliance. The longer implementation schedule must be proportionate to the additional emissions benefits from the use of the advanced technology vehicles, and BACT credits cannot exceed the additional emissions benefits. The advanced technology vehicles must meet or exceed model-year 2007 and later emissions standards and significantly reduce greenhouse gas emissions and petroleum use.

(2) Compliance Extension Based on No Verified Diesel Emission Control Strategy. If the Executive Officer has not verified a diesel emission control strategy, or one is not commercially available, for a particular engine and vehicle combination, an annual extension in compliance may be granted by the Executive Officer under one of the conditions specified below:

(A) Executive Officer Compliance Extension. The Executive Officer shall grant a blanket one-year compliance extension if a diesel emission control strategy is not verified for an engine ten months prior to each compliance deadline specified in subsection (c).

1. For a Group 1 engine for which there is no verified diesel emission control strategy, the Executive Officer shall grant a one-year extension, after which the municipality or utility shall comply with subsection (b). If no diesel emission control strategy for the engine is verified during the extension period, the Executive Officer shall grant an additional one year extension. The Executive Officer may grant one-year extensions until December 31, 2012, (or December 31, 2018 for a municipality or utility located in a low-population county, or granted low-population county status), after which the municipality or utility shall comply with subsection (b).

2. For a Group 2 engine for which there is no verified diesel emission control strategy, the Executive Officer shall grant a one-year extension, after which the municipality or utility shall comply with subsection (b). If no diesel emission control strategy for the engine is verified during the extension period, the Executive Officer shall grant an additional one-year extension. The Executive Officer may grant one-year extensions until December 31, 2012, (or December 31, 2017 for a municipality or utility located in a low-population county or granted low-population county status), after which the municipality or utility shall comply with subsection (b)

(B) Municipality or Utility Application for Compliance Extension. A municipality or utility may apply to the Executive Officer for a compliance extension pursuant to subsection (d)(2) for an engine no later than July 31 prior to each compliance deadline specified in subsection (c). Before requesting this extension, the municipality or utility shall demonstrate compliance or intent to comply with applicable deadlines for the remaining vehicles in the fleet. The municipality or utility shall meet the following application conditions and documentation requirements by providing the following to the Executive Officer:

1. Identification of each engine, by vehicle identification number; engine manufacturer, model-year, family, and series; and type of vehicle for which no diesel emission control strategy has been verified; or
2. Identification of each engine, by vehicle identification number; engine manufacturer, model-year, family, and series; and type of vehicle for which a specific diesel emission control strategy would void the original engine warranty and a statement from the engine manufacturer or authorized dealer stating the original engine warranty would be voided; or
3. Identification of each engine and vehicle combination, by vehicle identification number; engine manufacturer, modelyear, family, and series; and type of vehicle for which no diesel emission control strategy is commercially available and a list of manufacturers that have been contacted, with the manufacturers' responses to a request to purchase; and
4. A description of the reason for the request for a compliance extension for each engine or engine and fleet-vehicle combination; and
5. A copy of the statement of compliance as required in subsection (f)(1)(K); and
6. The application for compliance extension to be submitted to the Executive Officer no later than July 31 annually beginning 2007.
 - a. A municipality or utility. For a Group 1 engine, the Executive Officer will accept an annual compliance-extension application until July 31, 2011, after which the municipality or utility shall comply with subsection (b) by December 31, 2012. The Executive Officer will only grant one compliance extension for an engine in Group 1. For a Group 2 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2011, after which the municipality or utility shall comply with subsection (b) by December 31, 2012.

b. A municipality or utility either located in a low-population county, or granted low-population county status. For a Group 1 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2017, after which the municipality or utility shall comply with subsection (b) by December 31, 2018. The Executive Officer will only grant one compliance extension for an engine in Group 1. For a Group 2 engine, the Executive Officer will accept an annual compliance extension application until July 31, 2016, after which the municipality or utility shall comply with subsection (b) by December 31, 2017.

(3) Compliance Extension for a Municipality or Utility that Operates a Dual-Fuel or Bi-Fuel Engine. A municipality or utility may delay implementation of a Group 1 or 2 dual-fuel or bi-fuel engine to the Group 3 compliance deadlines.

(4) Compliance Extension for an Engine Near Retirement. If a municipality or utility has applied best available control technology to all engines as required, and the next engine subject to implementation under subsection (c) is scheduled to be retired from the total fleet within one year of the applicable compliance deadline, then the municipality or utility shall be exempted from applying the best available control technology as defined in subsection (b) to that engine for a maximum of one year, provided documentation of the expected retirement date is kept in records as specified in subsection (f) and the engine is retired by the stated anticipated date.

(5) Use of Experimental Diesel Emission Control Strategy. A municipality or utility may use an experimental diesel emission control strategy provided by, or operated by, the manufacturer in no more than 20 vehicles, or ten percent of its total fleet, whichever is less, for testing and evaluation purposes. The municipality or utility shall keep documentation of this use in records as specified in subsection (f). Each vehicle will be considered to be in compliance for the duration of the experiment to a maximum of two years. The municipality or utility must bring the vehicle into compliance within six months of the end of the testing and evaluation period. No experimental diesel emission control strategy may be used on a vehicle after December 31, 2012.

(6) Accelerated Turnover Option. A municipality or utility either located in a low-population county or granted low-population county status may follow the accelerated turnover option provided in subsection (c)(3), provided the Executive Officer has received a letter by July 31, 2008, stating the municipality's or utility's intent to comply with this option.

(7) Light Heavy-Duty Engine Extension. A municipality or utility may apply for a one year extension from the 2009 compliance deadline for light heavy-duty engines if after counting light heavy-duty engines as a part of the total fleet prevents the fleet from complying with the 2009 intermediate BACT compliance requirements in section 2022.1(c)(1). A municipality or utility must:

(A) Submit a letter to the Executive Officer by December 31, 2009 requesting the light heavy-duty engine extension;

(B) Submit documentation to demonstrate it cannot comply with the 2009 intermediate BACT compliance requirements in section 2022(c)(1) after adding light heavy-duty engines as a part of the total fleet size. Documentation shall include, but is not limited to, proof of financial hardship, budgeting schedules, etc. Documentation of financial

hardship shall include an analysis of cost of compliance, sources of available funds and shortfall between funds available and cost of compliance; and

(C) Meet the record-keeping requirements under section 2022.1(f).

(8) Privately-Owned Utility Extension. A utility may be granted an extension for Group 2 and Group 3 intermediate and final compliance deadlines as required in section 2022.1(c)(1) by two years, provided that thirty (30) percent of its fleet vehicles meet the 2010 model year NOx emissions equivalent as defined a section 2025(d), and twenty (20) percent of its fleet vehicles meet the 2007 model year NOx emissions equivalent as defined in section 2025(d) by December 31, 2013. A privately-owned utility must:

(A) submit a letter to the Executive Officer by December 31, 2009 stating the utility's intent to comply with this section,

(B) submit records by December 31, 2009 required by section 2022.1(f)(1),

(C) label each vehicle in its fleet according section 2022.1(f)(3)(G),

(D) submit by December 31, 2011 records required by section 2022.1(f)(1), and

(E) submit by December 31, 2013 records required by section 2022.1(f)(1) and documentation, such as but not limited to percent of fleet calculations and purchase records, demonstrating the utility's compliance with the above conditions.

(e) Diesel Emission Control Strategy Special Circumstances. A municipality or utility shall maintain the original level of best available control technology on each engine once that engine is in compliance, and will not be required to upgrade to a higher level of best available control technology, except under specified special circumstances, as follows:

(1) Fuel Strategy Diesel Emission Control Strategy.

(A) If a municipality or utility determines that the highest level diesel emission control strategy for a small percentage of its fleet would be a Level 2 fuel-based strategy, and implementation of this diesel emission control strategy would require installation of a dedicated storage tank, then the municipality or utility shall request prior approval from the Executive Officer to allow use of a lower level diesel emission control strategy; or

(B) If a municipality or utility elects to use a fuel-based diesel emission control strategy across its fleet, and some vehicles can use a Level 3 hardware diesel emission control strategy, then the municipality or utility shall request prior approval from the Executive Officer to allow use of a lower level diesel emission control strategy. This provision is only available if a minimum Level 2 diesel emission control strategy is used.

(2) *Diesel Emission Control Strategy Failure or Damage*. In the event of a failure or damage of a diesel emission control strategy, the following conditions apply:

(A) *Failure or Damage During the Warranty Period*. If a diesel emission control strategy fails or is damaged within its warranty period and the diesel emission control strategy manufacturer or authorized dealer determines it cannot be repaired, the municipality or utility shall replace the diesel emission control strategy with either the same level diesel

emission control strategy or another best available control technology as defined in subsection (b).

(B) *Failure or Damage Outside of Warranty Period.* If a diesel emission control strategy fails or is damaged outside of its warranty period, and it cannot be repaired, the municipality or utility shall apply the best available control technology at the time of replacement, as defined in subsection (b).

(3) *Discontinuation of Fuel Verified as a Diesel Emission Control Strategy.* If a municipality or utility discontinues use of a fuel verified as a diesel emission control strategy, the municipality or utility shall apply best available control technology within 30 days of the date of discontinuation or submit a compliance plan to the Executive Officer no later than 30 days after discontinuation that demonstrates how the municipality or utility will bring the vehicles into compliance within six months of the date of discontinuation.

(4) *Limited Use of Level 1 Diesel Emission Control Strategy.* If a Level 1 diesel emission control strategy is identified as the best available control technology pursuant to subsection (b), a municipality or utility is subject to the following limitations:

(A) Group 1

1. A municipality or utility may not use a Level 1 diesel emission control strategy on any Group 1 engine.

2. *Exception for low-population counties.* The limitation in (A)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2), or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(B) Group 2

1. *Ten year limit.* A municipality or utility may use a Level 1 diesel emission control strategy in a Group 2 engine for up to ten years. The municipality or utility shall then replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b). The replacement cannot be a Level 1 diesel emission control strategy.

2. *Exception for low-population counties.* The limitation in (B)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2) or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(C) Group 3 and 4

1. *Five year limit.* A municipality or utility may use a Level 1 diesel emission control strategy in a Group 3 and 4 engine for up to five years. The municipality or utility shall then replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b). The replacement cannot be a Level 1 diesel emission control strategy.

2. Exception for low-population counties. The limitation in (C)1. does not apply to a vehicle owned or operated by a municipality or utility located in a low-population county (Table 2) or to a vehicle owned or operated by a municipality or utility that has been granted low-population county status.

(f) Record-Keeping Requirement. A municipality or utility shall maintain the following records. The municipality or utility shall provide the following records upon request to an agent or employee of the Air Resources Board for all vehicles in its total fleet subject to compliance with this regulation.

(1) Records to be Kept For Inspection. Beginning December 31, 2007, the municipality or utility shall keep the following records either in hard-copy format or as computer records:

(A) A list by vehicle identification number of vehicles, identifying each vehicle type; engine manufacturer, model-year, family, and series; and status as a total fleet or low usage vehicle; and

(B) Correlated to each vehicle, the installed diesel emission control strategy family name, its serial number, manufacturer, installation date, and if using a Level 1 or Level 2 verified diesel emission control strategy, the reason for the choice; and

(C) Records of maintenance for each installed diesel emission control strategy; and

(D) For fuel or fuel additives used as a diesel emission control strategy, the most recent two years' worth of records of purchase that demonstrate usage; and

(E) For each low usage vehicle, or low-population county low usage vehicle, its mileage or engine hours as of December 31 of each year beginning 2007, and records to document its five-year mileage or engine hours, as of December 31 of each year beginning 2007, correlated to the vehicle identification information in paragraph (1)(A) above; and

(F) If a municipality or utility is located in a low-population county or has been granted low-population county status, documentation affirming that the vehicle is not operated at any time in a metropolitan statistical area as defined by the U.S. Census Bureau; and

(G) For each engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(4), the retirement date correlated to the vehicle identification information in paragraph (1)(A) above; and

(H) For each engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(5), the records of the test plan, including start and end dates of the experiment; diesel emission control strategy manufacturer name and contact information (representative, address, and phone number); name and type of experimental diesel particulate matter emission control strategy; and targeted data to be generated by experiment and correlated to the vehicle identification information in paragraph (1)(A) above; and

(I) For each engine for which a municipality or utility located in a lowpopulation county is following the accelerated turnover path in Table 3, the date of each engine repower correlated to the vehicle identification information in paragraph (1)(A) above; and

(J) Records to document the retirement of a vehicle. For each vehicle or engine to be retired, list the vehicle identification number, engine manufacturer, model-year, family, and series. For each vehicle that will be transferred to another fleet in California, include also the information required by sections 2022.1(f)(1)(B) and a statement of compliance that the vehicle meets the provisions of section 2022.1(b). For each vehicle or engine to be retired, provide the date of retirement, and written confirmation from the recipient of the retired vehicle or engine that the destination of the vehicle or its engine meets the requirements of the definition of "retirement" or "retire" in section 2022(b).

(K) Vehicles sold outside of the State of California. For a vehicle to qualify for retirement, a municipality or utility must:

1. Submit to the Executive Officer a completed VIN Stop application, which includes: vehicle license plate number, vehicle identification number, vehicle model-year, vehicle make, vehicle model, engine manufacturer, engine serial number, and engine model year;
2. Receive and maintain VIN Stop submittal to Department of Motor Vehicles in municipality's or utility's records; and
3. Obtain and maintain out-of-state buyer's contact information, such as name, address and phone number for the vehicle sold outside of the State of California and acknowledgement of the vehicle's operational status.

(L) A statement of compliance, prepared beginning December 31, 2007, and renewed each December 31, thereafter until December 31, 2012, with low-population counties continuing until December 31, 2018, certifying that the municipality's or utility's engines are in compliance as required, including the following:

1. "The [insert name of municipality or utility] vehicles at terminal [insert terminal identification number or address] are in compliance with title 13, California Code of Regulations, section 2022.1"; and
2. The municipality's or utility's name, address, and business telephone; and the signature of the municipality's or utility's agent and the date signed.

(2) Inspection of Records at the Terminal. Beginning December 31, 2007, the municipality or utility shall provide to any ARB representative any records required to be maintained by the municipality or utility pursuant to subsection (f)(1), by appointment, at the terminal where a vehicle normally resides.

(3) Records Kept in the Vehicle. For each vehicle, beginning December 31, 2007, the municipality or utility shall keep the following information in the form of a legible and durable label affixed to the driver's side door jamb, or another readily accessible location known to the driver of each vehicle:

(A) For each installed diesel emission control strategy, the diesel emission control strategy family name as specified in title 13, California Code of Regulations, section 2706(g)(2), and the installation date; or

(B) Engine model-year and planned compliance date, and a statement that the vehicle is following the accelerated turnover option, if applicable; or

(C) Designation as a low usage vehicle or low-population county low usage vehicle (as applicable) and the vehicle's mileage or hours as of December 31 of each year beginning December 31, 2007; or

(D) Engine model-year and terminal where the vehicle is permanently housed if the municipality or utility is located in a low-population county or has been granted low-population county status; or

(E) Engine model-year and retirement date for an engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(4); or

(F) Engine model-year and the beginning and the ending dates for the test plan of an engine for which a municipality or utility is claiming an extension pursuant to paragraph (d)(5); or

(G) Engine model-year and planned compliance date, and a statement that the vehicle is following the private utility extension, if applicable.

(4) Each municipality or utility shall maintain these records for each vehicle until it is sold outside of the State of California or is no longer owned or operated by the municipality or utility. If ownership is transferred, the seller shall convey these records to the buyer, or a third-party sales representative.

(g) Contractor Compliance Requirement. In any contract for services that a municipality or utility enters that has an effective date of December 31, 2007, or later, the municipality or utility shall include language requiring the contractor to be in compliance with all federal, state, and local air pollution control laws and regulations applicable to the contractor.

(h) Third Party Vehicle Seller Contract Requirement. In any contract with a third party vehicle seller for the sale of a vehicle outside of the State of California to satisfy retirement, a municipality or utility must:

(1) Include in the contract that it is the third party vehicle seller's responsibility to:

(A) Ensure that the vehicle is sold outside of the State of California, or if sold to an intermediate buyer in state, inform the intermediate buyer in writing that the vehicle cannot be sold or operated within California unless the vehicle is in compliance with section 2022.1(b);

(B) Inform the buyer in writing that the vehicle cannot be registered in California unless the vehicle is in compliance with section 2022.1(b); and

(C) Notify the buyer in writing to inform future buyers that the vehicle cannot be registered/operated in California unless the vehicle is in compliance with section 2022.1(b).

(2) Obtain a written statement from the third party vehicle seller with the buyer's contact information, such as name, address, and phone number; obtain acknowledgement of the requirements in subparagraph 2022.1(h)(1); and provide original copy to public agency or utility.

(i) Non-Compliance. Any violations of this section may carry civil penalties as specified in state law and regulations, including, but not limited to, Health and Safety Code Section 39674.

(1) A municipality or utility that fails to maintain the required records in paragraph (f)(1) may be subject to civil penalties of not less than \$100 per day for every day past the required record-keeping date.

(2) A municipality or utility that fails to maintain the required records in the vehicle as specified in paragraph (f)(3) may be subject to civil penalties of not less than \$100 per day per vehicle for every day past the required record-keeping date.

² "By group" means all vehicles in an engine model-year group as described in Table 1 under (c)(1).

Note: Authority cited: Sections 39600, 39601 and 39658, Health and Safety Code. Reference: Sections 39002, 39003, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39664, 39665, 39667, 39674, 39675, 43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

HISTORY

1. New section filed 12-6-2006; operative 1-5-2007 (Register 2006, No. 49).

2. Amendment of section and Note filed 12-3-2009; operative 12-3-2009 pursuant to Government Code section 11343.4(c) with respect to all equipment other than street sweepers; operative with respect to street sweepers upon filing of proposed section 2025 (Register 2009, No. 49).

13 CCR § 2022.1, 13 CA ADC § 2022.1

13 CA ADC § 2023 - Fleet Rule for Transit Agencies.

(a) The definitions in section 2020 shall apply to sections 2023, 2023.1, 2023.2, 2023.3 and 2023.4. In addition, the following definitions apply only to sections 2023, 2023.1, 2023.2, 2023.3 and 2023.4.

(1) "Active fleet" means the total number of urban buses operated by a transit agency or under contract to a transit agency, including spare buses, but not emergency contingency vehicles or non-revenue producing vehicles.

(2) "Commuter Service Bus" means a passenger-carrying vehicle powered by a heavy heavy-duty diesel engine or of a type normally powered by a heavy heavy-duty diesel engine that is not otherwise an urban bus and which operates on a fixed route primarily during peak commute hours and that has no more than ten scheduled stops per day, excluding park-and-ride lots. A commuter service bus is a transit fleet vehicle.

(3) "Diesel PM emission total," for the purposes of sections 2023.1 and 2023.2, means the sum of the particulate matter (PM) value, based on the engine certification standard, of each diesel fuel, dual-fuel, bi-fuel (except for heavy-duty pilot ignition engines), and diesel hybrid-electric engine in a transit agency's active fleet or transit fleet vehicle fleet in g/bhp-hr. For 1987 and earlier engines, the PM exhaust emission value shall be presumed to be 1.0 g/bhp-hr.

(4) "Emergency contingency vehicle" means an urban bus placed in an inactive contingency fleet for energy or other local emergencies, after the urban bus has reached the end of its normal minimum useful life.

(5) "Hybrid-electric bus" (HEB) means an urban bus equipped with at least two sources of energy on board; this energy is converted to motive power using electric drive motors and an auxiliary power unit, which converts consumable fuel energy into mechanical or electrical energy. The electric drive motors must be used partially or fully to drive the vehicle's wheels.

(6) "Low Usage Vehicle" means a non-revenue-generating transit fleet vehicle that operates for no more than 1000 miles per year.

(7) "New Transit Agency" means

(A) for the purposes of section 2023.1, a transit agency formed after January 1, 2002;

(B) for the purposes of section 2023.2, a transit agency formed after January 1, 2005.

(8) "NOx Fleet Average" for the purposes of sections 2023.1 and 2023.2 means the average of the oxides of nitrogen (NOx) emissions for all transit fleet vehicles or urban buses, owned, operated, or leased by a transit agency, based on the engine certification standard of each engine. The NOx fleet average is calculated by summing the NOx engine certification standards in g/bhp-hr, of each engine in an active fleet or transit fleet vehicle fleet, and dividing by the total number of vehicles in that fleet.

(9) "Retirement" or "Retire" means an engine will be withdrawn from a transit vehicle fleet in California. The engine may be sold outside of California, scrapped or used in an emergency contingency vehicle or low usage vehicle.

(10) "Spare bus" means an urban bus that is used to accommodate routine maintenance and repair operations, and to replace a bus in scheduled service that breaks down or is involved in an accident.

(11) "Transit Fleet" means a transit agency's urban buses and transit fleet vehicles, excluding emergency contingency vehicles and low usage vehicles.

(12) "Transit Fleet Vehicle" means an on-road vehicle greater than 8,500 pounds gross vehicle weight rating (GVWR) powered by a heavy-duty engine fueled by diesel or alternative fuel, owned or operated by a transit agency, and which is not an urban bus.

(13) "Urban bus" means a passenger-carrying vehicle powered by a heavy heavy-duty diesel engine, or of a type normally powered by a heavy heavy-duty diesel engine, with a load capacity of fifteen (15) or more passengers and intended primarily for intra-city operation, i.e., within the confines of a city or greater metropolitan area. Urban bus operation is characterized by short rides and frequent stops. To facilitate this type of operation, more than one set of quick-operating entrance and exit doors would normally be installed. Since fares are usually paid in cash or token, rather than purchased in advance in the form of tickets, urban buses would normally have equipment installed for the collection of fares. Urban buses are also typically characterized by the absence of equipment and facilities for long distance travel, e.g., restrooms, large luggage compartments, and facilities for stowing carry-on luggage.

(b) A new transit agency shall:

(1) notify the Executive Officer in writing of its existence and submit reports to the Executive Officer as required in section 2023.4(j);

(2) choose a compliance path for its active fleet and notify the Executive Officer within 120 days of formation of its intent to follow either the diesel path or alternative path, as described in section 2023.1(a), except that a new transit agency that is a successor to an existing transit agency shall follow the compliance path of the transit agency out of which it has been formed;

(3) meet the NOx fleet average and the diesel PM total of the urban buses or transit fleet vehicles

(A) used in the transit operations of the existing transit agency out of which the new transit agency is formed or,

(B) if not formed from an existing transit agency, meet the requirements set forth in 2023.1(d)(4), 2023.1(e)(5) for urban buses and 2023.2(a)(1)(B), 2023.2(a)(2)(B) 2023.2(b)(3) for transit fleet vehicles; and,

(4) comply with all applicable requirements of section 2023, section 2023.1, 2023.2 and 2023.4.

(c) A transit agency that installs a diesel emission control strategy to reduce diesel PM shall use a diesel emission control strategy that is verified by the Executive Officer in accordance with section 2700 et seq., title 13, CCR, or an urban bus retrofit device that has been exempted under Vehicle Code section 27156 as an engine rebuild kit and that reduces PM to 0.10 g/bhp-hr when used on an engine model 6V92TA DDEC for the model years specified for that engine.

(d) A transit agency that installs a diesel emission control strategy on an engine shall use the following percentage reductions from the engine certification standard value when calculating its total diesel PM emissions: 25 percent for a Level 1, 50 percent for a Level 2, and 85 percent for a Level 3 diesel emission control strategy.

(e) A transit agency with fewer than 30 buses in its transit fleet may apply for an extension to comply with the provisions of section 2023.1 and section 2023.2 by submitting documentation of financial hardship to the Executive Officer, in writing, at least thirty (30) days before the requirement becomes applicable for approval by the Executive Officer. Documentation of financial hardship shall include, but is not limited to, an analysis of the cost of compliance, the sources of available funds, and the shortfall between funds available and the cost of compliance. The transit agency must also specify the date and means by which compliance will be achieved in the request for a delay.

(f) A transit agency that is unable to comply with an implementation deadline specified in section 2023.1 paragraph (e)(1), (2), (3), or (4) or section 2023.2(b)(1) or (2) because of the unavailability of technology may apply in writing to the Executive Officer for an extension of the compliance deadline. The application to the Executive Officer must be made in writing and at least ninety (90) days before the applicable implementation deadline. The Executive Officer may grant an extension of up to one year, provided that the applicant:

(1) demonstrates that the technology is unavailable;

(2) explains why the transit agency cannot comply by retiring older buses; and

(3) provides a schedule for compliance.

(g) A transit agency that owns, operates, or leases fewer than 20 diesel-fueled, dual-fuel, bi-fuel, or diesel hybrid-electric buses in its transit fleet and that operates in a federal one-hour ozone attainment area may delay implementation of the intermediate total diesel PM emission reduction requirements provided the transit agency complies with the implementation deadlines set forth in Section 2023.1 paragraphs (e)(3)(A) or (e)(4) and section 2023.2 paragraph (b)(2).

(h) Non-Compliance. Any violations of sections 2023, 2023.1, 2023.2, 2023.3, or 2023.4 may be subject to civil penalties as specified in state law and regulations.

Note: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43701(b), Health and Safety Code. Reference: Sections 39002, 39003, 39017, 39500, 39650, 39667, 40000, 43000, 43000.5, 43013, 43018, 43701(b), 43801 and 43806, Health and Safety Code; and Sections 233 and 28114, Vehicle Code.

HISTORY

1. Renumbering and amendment of portions of former section 1956.2 to new section 2023 filed 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).

13 CCR § 2023, 13 CA ADC § 2023

13 CA ADC § 2023.1 - Fleet Rule for Transit Agencies - Urban Bus Requirements.

(a) To encourage transit agencies that operate urban bus fleets to purchase or lease lower emission alternative-fuel buses, while also providing flexibility to such fleet operators to determine their optimal fleet mix in consideration of such factors as air quality benefits, service availability, cost, efficiency, safety, and convenience, two paths to compliance with this fleet rule are available: the alternative-fuel path and the diesel path.

(1) Transit agencies must choose their compliance path, and shall notify ARB of their intent to follow either the diesel or the alternative-fuel path, by January 31, 2001. Reporting requirements for that notification are set forth in subdivisions (a) and (b) of section 2023.4, title 13, CCR.

(2) A transit agency within the jurisdiction of the South Coast Air Quality Management District may elect to change its compliance path from the diesel path to the alternative-fuel path, provided that the transit agency notifies the Executive Officer of the change by January 31, 2004, and provided that the transit agency is in compliance with all requirements of section 2023.1, including specific requirements of the diesel path, on or before January 1, 2004. Reporting requirements for this notification are set forth in paragraph (b)(3) of section 2023.4, title 13, CCR.

(3) A new transit agency that is a successor to an existing transit agency or that has been created from a merger of two or more transit agencies or parts of two or more transit agencies must have the same compliance path as the transit agency or agencies out of which it is formed.

(4) A transit agency within the jurisdiction of the South Coast Air Quality Management District shall follow the alternative-fuel path. If the transit agency had previously stated its intent to follow the diesel path, the change to the alternative-fuel path shall be effective on October 7, 2006.

(5) Transit agencies on the diesel path with more than 30 buses in their fleets purchasing model year 2007 through 2009 urban buses that are not certified at or below 0.2 g/bhp-hr NO_x emission level shall:

(A) Mitigate the increased NO_x emissions for each urban bus purchased by retrofitting an existing urban bus or transit fleet vehicle within the fleet with a level 3 particulate matter (PM) verified diesel emission control strategy with an oxides of nitrogen (NO_x) reduction efficiency of at least 40 percent, if available, otherwise, with a NO_x reduction efficiency of at least 25 percent. This retrofit requirement applies on a one-to-one basis until all diesel urban buses and transit fleet vehicles within the transit agency's fleet are either retrofitted or are determined to be unable to be retrofitted as specified in (B) below.

(B) Obtain Executive Officer approval for purchasing a 2007 through 2009 model year urban bus not subject to (A) above by submitting to the Executive Officer a report 90 days prior to the delivery of the urban bus. The report shall provide information that demonstrates that all vehicles in the transit agency's fleet have been retrofitted or are determined to be unable to be retrofitted including when the inability to retrofit occurs for reasons other than a device not verified for the specific urban bus or transit fleet vehicle engine family.

(C) Submit annual reports that meet the requirements in section 2023.4(b)(4).

(b) Transit agencies on the alternative-fuel path shall meet the following requirements:

(1) Upon approval of the regulation, and through Model Year 2015, at least 85 percent of all urban buses purchased or leased each year must be alternative-fuel buses or buses with engines purchased under paragraph (b)(9).

(2) NO_x fleet average requirements as set forth in subdivision (d), below.

(3) Beginning October 1, 2002, only engines certified to an optional PM standard of 0.03 g/bhp-hr or lower shall be purchased when making new bus purchases.

(4) Total diesel PM emission reduction requirements and use of low-sulfur or other allowed fuel as set forth in subdivision (e), below.

(5) Transit agencies on the alternative-fuel path shall not purchase any diesel-fueled, dual-fuel, or bi-fuel buses with 2004-2006 model year engines certified to emissions levels in excess of those specified in paragraph (a)(11) of section 1956.1, title 13, CCR, except as provided in paragraph (b)(8) or (b)(9) of this section.

(6) Zero-emission bus purchase requirements beginning in model year 2012, in accordance with the requirements set forth in subdivision (c) of section 2023.3, title 13, CCR.

(7) Reporting requirements as set forth in section 2023.4, title 13, CCR.

(8) The Executive Officer may exempt transit agencies on the alternative-fuel path from the requirements of paragraph (b)(5) of section 2023.1, title 13, CCR, provided that:

(A) A transit agency applies to the Executive Officer for such exemption by June 30, 2001;

(B) A transit agency demonstrates to the Executive Officer that it will achieve NO_x emissions benefits through 2015 greater than what would have been achieved through compliance with paragraph (b)(5); and

(C) The Executive Officer finds that transit agencies, after consulting with the Engine Manufacturers Association, have demonstrated, or are contractually committed to demonstrate, advanced NO_x aftertreatment technology.

(9) A transit agency on the alternative-fuel path may purchase a bus operated with a heavy-duty pilot ignition engine provided the engine meets the standards set forth in subdivision (b) of section 1956.1, title 13, CCR.

(c) Transit agencies on the diesel path shall meet the following requirements:

(1) NO_x fleet average requirements as set forth in subdivision (d), below.

(2) Total diesel PM emission reduction requirements and use of low-sulfur or other allowed fuel as set forth in subdivision (e), below.

(3) Zero-emission bus demonstration as required in subdivision (b) of section 2023.3, title 13, CCR.

(4) Transit agencies on the diesel path shall not purchase any diesel-fueled, dual-fuel, or bi-fuel buses with 2004-2006 model year engines certified to emissions levels in excess of those specified in paragraph (a)(11) of section 1956.1, title 13, CCR, except as provided in paragraph (c)(7) or (c)(8) of this section. Beginning July 1, 2003, a transit agency may not purchase alternative fuel buses certified to a PM emission level in excess of the optional standard of 0.03 g/bhp-hr when making new bus purchases.

(5) Zero-emission bus purchase requirements beginning in model year 2011, in accordance with the requirements set forth in subdivision (c) of section 2023.3, title 13, CCR.

(6) Reporting requirements as set forth in section 2023.4, title 13, CCR.

(7) The Executive Officer may exempt transit agencies on the diesel path from the requirements of paragraph (c)(4) of section 2023.1, title 13, CCR, provided that:

(A) A transit agency applies to the Executive Officer for such exemption by June 30, 2001;

(B) A transit agency demonstrates to the Executive Officer that it will achieve NO_x emissions benefits through 2015 greater than what would have been achieved through compliance with paragraph (c)(4); and

(C) The Executive Officer finds that transit agencies, after consulting with the Engine Manufacturers Association, have demonstrated, or are contractually committed to demonstrate, advanced NO_x aftertreatment technology.

(8) A transit agency on the diesel-fuel path may purchase a bus operated with a heavy-duty pilot ignition engine provided the engine meets the standards set forth in subdivision (b) of section 1956.1.

(9) The Executive Officer shall authorize, in writing, a transit agency on the diesel path to purchase one or more diesel-fueled hybrid-electric bus certified under title 13, CCR, section 1956.1(a)(11)(B) provided that:

(A) The transit agency shall submit a mitigation plan and letter requesting approval by January 31, 2005, to the Executive Officer that demonstrates that the transit agency will provide surplus emission reductions from urban buses in its fleet that will offset the NO_x emission difference between the certified NO_x emission standard of the hybrid-electric bus and 0.5 g/bhp-hr. The transit agency may not use NO_x emission reductions that are otherwise required by any statute, regulation, or order or the emission reductions that will accrue from the retirement of an urban bus to be replaced by a hybrid-electric bus for the offset;

(B) The transit agency shall complete implementation of all mitigation measures set forth in the approved plan to offset NO_x emissions prior to the receipt of the last diesel-fueled hybrid-electric bus; and

(C) The transit agency shall submit the reports required by section 2023.4(g).

(d) Beginning October 1, 2002, no transit agency shall own, operate, or lease an active fleet of urban buses with average NO_x emissions in excess of 4.8 g/bhp-hr, based on the engine certification standards of the engines in the active fleet.

(1) This active fleet average requirement shall be based on urban buses owned, operated, or leased by the transit agency, including diesel buses, alternative-fuel buses, all heavy-duty zero-emission buses, electric trolley buses, and articulated buses, in each transit agency's active fleet. The Executive Officer may allow zero-emission buses that do not meet the definition of an urban bus to be included in the calculation of the fleet average standard upon written request to the ARB by January 31, 2002, and upon approval by the Executive Officer. The request shall include a description of the zero-emission buses, the zero-emission technology utilized, and the number of zero-emission buses to be used in calculating the NO_x fleet average standard. Zero-emission buses not meeting the definition of an urban bus may not be used to satisfy the requirements of the Zero-emission Bus Demonstration Project set forth in subdivision (b) of section 2023.3, title 13, CCR.

(2) Transit agencies may use ARB-certified NO_x retrofit systems to comply with the fleet average requirement (in addition to bus purchases, repowerings, and retirements).

(3) Transit agencies have the option of retiring all 1987 and earlier model year diesel urban buses by October 1, 2002, to comply with the fleet average standard requirement.

(4) A transit agency established after January 1, 2005, shall not operate an active fleet of urban buses with an average NO_x emission in excess of:

(A) 4.0 g/bhp-hr, or

(B) the NO_x average of the active fleet of the transit agency from which it was formed, whichever is lower, or

(C) in the case of a merger of two or more transit agencies or parts of two or more transit agencies, the average of the NO_x fleet averages, whichever is lower.

(e) To reduce public exposure to diesel particulate matter, each transit agency shall reduce the diesel PM emissions total of the diesel buses in its active fleet relative to its diesel PM emission total as of January 1, 2002, according to the schedule below, and shall operate its diesel buses on diesel fuel with a maximum sulfur content of 15 parts per million by weight. Documentation of compliance with these requirements must be provided in accordance with the provisions of subdivision (d) of section 2023.4, title 13, CCR.

(1) No later than January 1, 2004:

(A) The diesel PM emission total for a transit agency on the diesel path shall be no more than 60 percent of its diesel PM emission total on January 1, 2002.

(B) The diesel PM emission total for a transit agency on the alternative fuel path shall be no more than 80 percent of its diesel PM emission total on January 1, 2002.

(2) No later than January 1, 2005:

(A) The diesel PM emission total for a transit agency on the diesel path shall be no more than 40 percent of its diesel PM emission total on January 1, 2002.

(B) The diesel PM emission total for a transit agency on the alternative fuel path shall be no more than 60 percent of its diesel PM emission total on January 1, 2002.

(3) No later than January 1, 2007:

(A) The diesel PM emission total for a transit agency on the diesel path shall be no more than 15 percent of its diesel PM emission total on January 1, 2002 or equal to 0.01 g/bhp-hr times the total number of current diesel-fueled active fleet buses, whichever is greater.

(B) The diesel PM emission total for a transit agency on the alternative fuel path shall be no more than 40 percent of its diesel PM fleet average on January 1, 2002.

(4) No later than January 1, 2009, the diesel PM emission total for a transit agency on the alternative fuel path shall be no more than 15 percent of its diesel PM emission total on January 1, 2002 or equal to 0.01 g/bhp-hr times the total number of current diesel-fueled active fleet buses, whichever is greater.

(5) Beginning on January 1, 2005, a new transit agency may not have a diesel PM emission total exceeding the following values:

(A) As of January 1, 2005 through December 31, 2009, 0.05 g/bhp-hr (exhaust emission value) times the total number of diesel-fueled buses in the active fleet;

(B) As of January 1, 2010, 0.01 g/bhp-hr (exhaust emission value) times the total number of diesel-fueled buses in the active fleet.

(6) Beginning July 1, 2002, a transit agency shall not operate its diesel urban buses on diesel fuel with a sulfur content in excess of 15 parts per million by weight, except that a transit agency may operate its diesel buses on a fuel that is verified by the Executive Officer as a diesel emission control strategy that reduces PM in accordance with section 2700 et seq., title 13, CCR. A transit agency with fewer than 20 buses in its active fleet, and that operates in a federal one-hour ozone attainment area, is not subject to this low-sulfur fuel requirement until July 1, 2006. In areas redesignated as one-hour ozone non-attainment areas prior to July 1, 2006, a transit agency initially exempt from the low-sulfur fuel requirement shall submit a plan to the Executive Officer within 30 days of redesignation for achieving compliance with this requirement.

Note: Authority cited: Sections 39600, 39601, 39667, 43013, 43018 and 43701(b), Health and Safety Code. Reference: Sections 39002, 39003, 39017, 39500, 39650, 39667, 40000, 43000, 43000.5, 43013, 43018, 43701(b), 43801 and 43806, Health and Safety Code; and Sections 233 and 28114, Vehicle Code.

HISTORY

1. Renumbering and amendment of portions of former section 1956.2 to new section 2023.1 filed 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).
2. New subsections (a)(4)-(a)(5)(C) filed 9-7-2006; operative 10-7-2006 (Register 2006, No. 36).
3. Amendment of subsections (b)(6) and (c)(5) filed 10-15-2007; operative 11-14-2007 (Register 2007, No. 42).

13 CCR § 2023.1, 13 CA ADC § 2023.1

13 CA ADC § 2023.2 - Fleet Rule for Transit Agencies - Transit Fleet Vehicle Requirements.

(a) A transit agency shall not operate transit fleet vehicles with a NO_x fleet average exceeding the following values as of the specified dates. A transit agency shall provide documentation of compliance with the requirements in accordance with the provisions of subdivision (e)(2) of section 2023.4, title 13, CCR.

(1) Beginning December 31, 2007 through December 30, 2010, 3.2 g/bhp-hr;

(A) A transit agency may retire all 1997 and earlier model year engines in transit fleet vehicles by December 31, 2007, to comply with the NO_x fleet average requirement.

(B) For a new transit agency established after December 31, 2007 and through December 31, 2009, either 3.2 g/bhp-hr or no higher than the NO_x average of the transit fleet vehicles of the transit agency from which the new transit agency has been formed, whichever is lower.

(2) Beginning December 31, 2010, 2.4 g/bhp-hr;

(A) A transit agency may retire all 2001 and earlier model year engines in transit fleet vehicles by December 31, 2010, to comply with the NO_x fleet average requirement.

(B) For a new transit agency established after December 31, 2010, either 2.4 g/bhp-hr or no higher than the NO_x average of the transit fleet vehicles of the transit agency from which the new transit agency has been formed, whichever is lower.

(3) Zero-emission buses used to satisfy the requirements set forth in subdivision (d) of section 2023.1 may not be used to meet the requirements of this subdivision.

(4) A transit agency may claim NO_x reductions by application of a system that has been verified by the Executive Officer in accordance with section 2700 et seq., title 13, CCR to comply with the fleet average requirement, in addition to transit fleet vehicle purchases, retirements, or engine Repowering.

(b) A transit agency shall reduce the total diesel particulate matter (PM) emissions of its diesel transit fleet vehicles relative to its total diesel PM emissions from diesel transit

fleet vehicles as of January 1, 2005, according to the schedule below. "Diesel PM emission total" and how it is calculated are defined in 2023(a)(3). A transit agency shall provide documentation of compliance with these requirements in accordance with the provisions of subdivision (e)(3) of section 2023.4, title 13, CCR.

(1) (No later than December 31, 2007, the diesel PM emission total for a transit agency's transit fleet vehicle fleet shall be no more than 60 percent of its diesel PM emission total on January 1, 2005.

(2) No later than December 31, 2010, the diesel PM emission total for a transit agency's transit fleet vehicle fleet shall be no more than 20 percent of its diesel PM emission total on January 1, 2005, or equal to 0.01 g/bhp-hr times the total number of transit fleet vehicles in the current fleet, whichever is greater.

(3) A new transit agency established after January 1, 2005, may not have a diesel PM emission total exceeding the following values:

(A) For a new transit agency established January 1, 2005 through December 31, 2006, 0.1 g/bhp/hr (exhaust emission value) times the number of diesel-fueled transit fleet vehicles in its fleet. This value will serve as the transit agency's PM baseline. The transit agency must meet the requirements set forth in section 2023.2(b)(1) and (2).

(B) For a new transit agency established January 1, 2007 through December 31, 2009, 0.1 g/bhp/hr (exhaust emission value) times the number of diesel-fueled transit fleet vehicles in its fleet. This value will serve as the transit agency's PM baseline and shall be reduced by 50 percent of its PM baseline value by December 31, 2010, and 80 percent by December 31, 2012.

(C) For a new transit agency established January 1, 2010 or later, 0.01 g/bhp-hr (exhaust emission value) times the total number of diesel transit fleet vehicles in its fleet.

(c) A transit agency may apply to the Executive Officer for a delay in meeting the provisions of section 2023.2(a) and 2023.2(b) for up to one year to allow for the termination of a vehicle lease, maintenance/lease, turnkey or vehicle/service contract as defined by the Federal Transit Administration (FTA). The transit agency shall apply to the Executive Officer no later than 90 days prior to the applicable deadlines and shall include a description of the reason the delay is required, the reason the contractor cannot provide a newer vehicle to replace an existing vehicle within the terms of the contract, and provide a schedule for compliance by the end of the compliance extension.

Note: Authority cited: Sections 39600, 39601, 39659, 39667 and 43018, Health and Safety Code. Reference: Sections 39667, 39700, 39701, 43000, 43000.5, 43013, 43018, 43801 and 43806, Health and Safety Code.

HISTORY

1. New section filed 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).

13 CCR § 2023.2, 13 CA ADC § 2023.2

13 CA ADC § 2023.3 - Zero-Emission Bus Requirements.

(a) "Zero-emission bus" means an Executive Officer certified urban bus that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) under any and all possible operational modes and conditions.

(1) A hydrogen-fuel cell bus shall qualify as a zero-emission bus.

(2) An electric trolley bus with overhead twin-wire power supply shall qualify as a zero-emission bus.

(3) A battery electric bus shall qualify as a zero-emission bus.

(4) Incorporation of a fuel-fired heater shall not preclude an urban bus from being certified as a zero-emission bus, provided the fuel-fired heater cannot be operated at ambient temperatures above 40(F and the heater is demonstrated to have zero evaporative emissions under any and all possible operational modes and conditions.

(b) Zero-Emission Bus Demonstration Projects.

(1) Initial Demonstration Project.

(A) Except as provided in (D) below, the owner or operator of an urban bus fleet on the diesel path in accordance with the provisions of section 2023.1, with more than 200 urban transit buses in its active fleet on January 31, 2001, shall implement an Initial Demonstration Project in accordance with this subsection (b)(1). The owner or operator shall evaluate the operation of zero-emission buses in revenue service, and prepare and submit a report on the demonstration project to the Executive Officer for inclusion in a future review of zero-emission technology.

(B) This Initial Demonstration Project shall meet all of the following specifications and requirements:

1. utilize a minimum of three zero-emission buses,
2. include any necessary site improvements,
3. locate fueling infrastructure onsite,
4. provide appropriate maintenance and storage facilities,
5. train bus operators and maintenance personnel,
6. place the buses in revenue service for a minimum duration of 12 calendar months,
7. retain operation and maintenance records, and
8. report on the demonstration program as set forth in subdivision (f) of section 2023.4, title 13, CCR.

(C) When planning and implementing the Initial Demonstration Project, the operator or owner shall meet the following milestones:

1. no later than January 1, 2002, prepare and solicit bid proposals for materials and services necessary to implement the demonstration project, including but not limited to the zero-emission buses and the associated infrastructure;
2. no later than February 28, 2006, place at least three zero-emission buses in operation;
3. no later than July 31, 2005, submit a preliminary report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(3) of section 2023.4, title 13, CCR;
4. no later than July 31, 2007, submit a report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(4) of section 2023.4, title 13, CCR;
5. no later than January 31, 2003, initial documentation shall be submitted in accordance with paragraph (f)(1) of section 2023.4, title 13, CCR; and
6. no later than January 31, 2003, a financial plan shall be submitted in accordance with paragraph (f)(2) of section 2023.4, title 13, CCR.

(D) Multiple transit agencies within the same air basin may, on a case-by-case basis, petition the Executive Officer to implement a joint zero-emission bus demonstration project. Electric trolley buses shall not qualify as zero-emission buses for purposes of this joint demonstration project. No more than three transit agencies can participate in any one joint project. Transit agencies that are participating in a joint demonstration project shall:

1. designate the agency hosting the onsite demonstration,
2. jointly fund the demonstration project, and
3. place a minimum of three zero-emission buses per demonstration project in revenue service.

(2)Advanced Demonstration Project.

(A) Except as provided in (E) below, the owner or operator of an urban bus fleet on the diesel path in accordance with the provisions of section 2023.1, with more than 200 urban transit buses in its active fleet on January 1, 2007, for transit agencies on the diesel path shall implement an Advanced Demonstration Project. The owner or operator shall evaluate the operation of zero-emission buses in revenue service and prepare and submit a report on the demonstration project to the Executive Officer.

(B) Diesel fuel path transit agencies may choose to follow the single or joint path demonstration as described in 2023.3(b)(2)(D) or 2023.3(b)(2)(E).

(C) When planning and implementing the Advanced Demonstration Project for transit agencies on the diesel path, the operator or owner shall meet the following milestones:

1. No later than January 1, 2009, place all required zero-emission buses in operation,
2. No later than May 1, 2009, submit a preliminary report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(3) of section 2023.4, title 13, CCR, and
3. No later than May 1, 2010, submit a final report on the demonstration project to the Executive Officer, in accordance with paragraph (f)(4) of section 2023.4, title 13, CCR.

(D) Transit agencies choosing to participate in a single transit agency Advanced Demonstration Project shall meet all of the following specifications and requirements:

1. Utilize a minimum of six zero-emission buses,
2. Provide appropriate maintenance and storage facilities,
3. Train bus operators and maintenance personnel,
4. Place the buses in revenue service for a minimum duration of 12 calendar months after delivery of all demonstration buses,
5. Retain operation and maintenance records, and
6. Report on the demonstration program as set forth in subdivision (f) of section 2023.4, title 13, CCR.

(E) Multiple transit agencies may, on a case-by-case basis, petition the Executive Officer to implement a joint zero-emission bus demonstration project. Transit agencies that are participating in a joint demonstration project shall:

1. Jointly fund the demonstration project.
2. Utilize a minimum of 12 zero-emission buses in revenue service.
3. Operate the demonstration at a transit agency affected by the zero-emission bus regulation.
4. Purchase and put in revenue service a minimum of three zero-emission buses per transit agency.
5. Place the buses in revenue service for a minimum duration of 12 calendar months after delivery of all demonstration buses.
6. Provide appropriate maintenance and storage facilities.
7. Train bus operators and maintenance personnel from each participating transit agency.

(F) Zero-emission buses placed in service to meet the zero-emission bus initial demonstration projects as specified in subdivision (b)(1) are not permitted to count towards the advanced demonstration requirements, unless upgraded with technology advancements to make the bus comparable to vehicles available for the advanced demonstration. One credit shall be earned for each bus.

(c)Purchase Requirement for Zero-Emission Buses. The number of urban buses in each transit agency's active urban bus fleet shall be reviewed annually, as described in sections 2023.4(a)(3) and (b)(2). The owner or operator of a transit agency with more than 200 urban buses in active service on January 1, 2007, for transit agencies on the diesel path, and January 1, 2009, for transit agencies on the alternative-fuel path, shall purchase and/or lease zero-emission buses, in accordance with the following paragraphs. In addition, the owner or operator of diesel path transit agencies whose active urban bus fleet initially exceeds 200 urban buses after January 1, 2007 shall have three years to comply with the Zero-Emission Bus Purchase Requirement starting January 1, of the year they exceed 200 urban buses through 2026. The owner or operator of alternative fuel path transit agencies whose active urban bus fleet initially exceeds 200 urban buses after January 1, 2009, shall have three years to comply with the Zero-Emission Bus Purchase Requirement starting January 1, of the year they exceed 200 urban buses through 2026.

(1) For transit agencies on the diesel path, in accordance with the requirements in section 2023.1, a minimum 15 percent of purchase and lease agreements, when aggregated annually, for model year 2011, or from the start model year of Zero-Emission Bus purchases, through model year 2026 urban buses shall be zero-emission buses.

(2) For transit agencies on the alternative-fuel path, in accordance with the requirements in section 2023.1, a minimum 15 percent of purchase and lease agreements, when aggregated annually, for model year 2012, or from the start model year of Zero-Emission Bus purchases, through model year 2026 urban buses shall be zero-emission buses.

(3) The provisions of paragraphs (1) and (2) shall not apply if the operator's urban bus fleet is composed of 15 percent or more zero-emission buses on January 1, 2008, for transit agencies on the diesel path, and on January 1, 2010, for transit agencies on the alternative-fuel path, or at any time thereafter.

(4)Earning Credits.

(A) Transit agencies on either the diesel path or alternative-fuel path may earn credits for use in meeting the purchase requirements for zero-emission buses specified in paragraphs (c)(1) and (c)(2) by placing zero-emission buses in service prior to the dates specified in paragraphs (c)(1) and (c)(2). For each zero-emission bus placed into early service and above what is required by section 2023.3 in paragraphs (b)(2), (c)(1) and (c)(2), credits shall be accrued according to the following table. Each earned credit is equivalent to one zero-emission bus.

Credits per Year Placed

Path	2007	2008	2009	2010	2011
Diesel	2.5	2	1.5	1.5	-
Alternative-					

fuel 2.5 2 2 1.5 1.5

(B) Zero-emission buses placed in service to meet the zero-emission bus initial demonstration projects as specified in subdivision (b)(1) are not permitted to accrue credits towards the zero-emission bus purchase requirements, unless upgraded with technology advancements to make them comparable to vehicles available for the advanced demonstration. One credit shall be earned for each bus.

(C) Zero-emission buses placed in service to meet the advanced demonstration projects as specified in subdivision (b)(2) can accrue purchase credit towards the zero-emission purchase requirements. For each zero-emission bus required by the advanced demonstration, credit shall be accrued according to the following table. Each earned credit is equivalent to one zero-emission bus.



Image 1 (4.18" X .47") Available for Offline Print

(d) The Air Resources Board shall review zero-emission bus technology and the feasibility of implementing the requirements of subdivision (c) above no later than July 2009. Based on that assessment, the Board shall decide whether to proceed with the implementation of subdivision (c) or adjust the requirements.

Note: Authority cited: Sections 39600, 39601, 43013, 43018, 43100, 43101, 43104 and 43806, Health and Safety Code. Reference: Sections 39002, 39003, 39017, 39018, 39500, 40000, 43000, 43000.5, 43009, 43013, 43018, 43102, 43801 and 43806, Health and Safety Code; and Section 28114, Vehicle Code.

HISTORY

1. Renumbering of former section 1956.3 to section 2023.3, including amendment of section and Notefiled 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).

2. Amendment filed 10-15-2007; operative 11-14-2007 (Register 2007, No. 42).

13 CCR § 2023.3, 13 CA ADC § 2023.3

13 CA ADC § 2023.4 - Reporting Requirements for Transit Agencies.

(a) The following reports on new urban bus purchases and/or leases by transit agencies on the alternative-fuel path shall be submitted as described below:

(1) The initial report shall be submitted by January 31, 2001, and shall state the transit agency's intent to follow the alternative-fuel path.

(2) Any requests for deviation from the requirement that 85 percent of buses purchased per year must be alternative-fuel buses must be submitted in writing and approved by

the Executive Officer of the Air Resources Board 90 days prior to purchase. The written request must include the reason for requesting the deviation from the 85 percent annual purchase requirement and the transit agency's future planned alternative-fuel bus purchases.

(3) Each transit agency shall submit an annual report containing: the number, manufacturer, make, and model year of engines, and fuel used for each urban bus it currently owns or operates, urban bus purchases and/or leases beginning January 1, 2000, and annual average percentage of total urban bus purchases and/or leases that were alternative-fuel buses. The first report shall be submitted by January 31, 2001. Subsequent reports shall be submitted annually by January 31 through the year 2016. For transit agencies operating 150 or more urban buses, reports shall be submitted annually by January 31 through the year 2027.

(b) The following reports on new urban bus purchases and/or leases by transit agencies on the diesel path shall be submitted as described below:

(1) The initial report shall be submitted by January 31, 2001, and shall state the transit agency's intent to follow the diesel path.

(2) Each transit agency shall submit an annual report containing the number, manufacturer, make, and model year of engines, and fuel used for each urban bus it currently owns or operates, and urban bus purchases and/or leases beginning January 1, 2000. The first report shall be submitted by January 31, 2001. Subsequent reports shall be submitted annually by January 31 through the year 2016. For transit agencies operating 150 or more urban buses, reports shall be submitted annually by January 31 through the year 2027.

(3) A transit agency within the jurisdiction of the South Coast Air Quality Management District that chooses to change from the diesel path to the alternative fuel path in accordance with paragraph (a)(2) of section 2023.1, title 13, CCR, must submit to the Executive Officer a letter of intent to follow the alternative fuel path no later than January 31, 2004. The letter of intent shall contain a statement certifying that the transit agency is in compliance with all provisions of the fleet rule for transit agencies on or before January 1, 2004.

(4) As set forth in section 2023.1(a)(5), transit agencies with more than 30 buses in their fleet that purchase model-years 2007 through 2009 urban buses not certified at or below 0.2 g/bhp-hr NO_x emissions shall submit the following information for each urban bus purchased: the manufacturer, make, model year of the engine of the urban bus or transit fleet vehicle retrofitted and for each diesel emission control strategy applied, the date of installation, the device's product serial number, and its Diesel Emission Control Strategy Family Name in accordance with the requirements of section 2706(g)(2), title 13, CCR. The first report shall be submitted by January 31, 2007. Subsequent reports shall be submitted annually by January 31 through the year 2016.

(c) Each transit agency shall submit the following reports on the urban bus NO_x fleet average requirement:

(1) Initial documentation shall be submitted by January 31, 2001, and contain, at a minimum, the active urban bus fleet NO_x emission average, and if that number exceeds

the average required in subdivision (d), section 2023.1, title 13, CCR, a schedule of actions planned to achieve that average by October 1, 2002, including numbers and model years of bus purchases, retirements, retrofits, and/or repowerings, or shall indicate the intent of the transit agency to retire all model year 1987 and earlier buses in its active fleet by October 1, 2002.

(2) A final report shall be submitted by January 31, 2003, detailing the active urban bus fleet NOx emission average as of October 1, 2002, and actions, if any were needed, taken to achieve that standard, including numbers and model years of bus purchases, retirements, retrofits, and/or repowerings, or documenting the retirement of all model year 1987 and earlier buses.

(d) Each transit agency shall submit the following reports on the total diesel PM emission reduction requirements for urban buses:

(1) An initial annual report shall be submitted by January 31, 2003, and shall contain, at a minimum, the following information:

(A) number, manufacturer, make, and model year of diesel-fueled, dual-fuel, bi-fuel (except for heavy-duty pilot ignition engines), and diesel hybrid-electric engines in urban buses in the active fleet; the PM engine certification value of each of those bus engines; the diesel PM emission total for the diesel buses in the active fleet; and the diesel PM emission total for the baseline date of January 1, 2002.

(B) For each urban bus for which a diesel emission control strategy has been applied, the device's product serial number; its Diesel Emission Control Strategy Family Name in accordance with the requirements of section 2706(g)(2), title 13, CCR; and the date of installation.

(2) Annual reports shall be submitted each year beginning January 31, 2004 and each January 31 thereafter, through 2009, and shall contain the information required in paragraphs (d)(1)(A) and (B) above plus the total percentage reduction of PM achieved from the baseline diesel PM emission total as of January 1 of each applicable year.

(e) Each transit agency shall submit the following reports for its transit fleet vehicles:

(1) An annual report of the number, manufacturer, make, and model year of engines and fuel used for each transit fleet vehicle it currently owns, leases, or operates as of January 1st of each year, beginning in 2006. The first report shall be submitted by January 31, 2006, and subsequent reports shall be submitted annually by January 31st through the year 2016.

(2) For the NOx fleet average reduction requirements set forth in section 2023.2(a):

(A) A report submitted by January 31, 2006, must contain at a minimum, the transit vehicle fleet NOx emission average. If that number exceeds the average required in section 2023.2(a)(1), the report must include a schedule of actions planned to achieve compliance by December 31, 2007.

1. If a change to the compliance schedule occurs that results in noncompliance, the transit agency must notify the Executive Officer within 30 days.

2. Notification to the Executive Officer must include a revised schedule showing how the agency will be in compliance within 90 days of the schedule change that caused noncompliance.

(B) A report submitted by January 31, 2008, must contain, details of the transit fleet vehicle fleet NOx emission average as of December 31, 2007, or must document the retirement of all model year 1997 and earlier transit fleet vehicle engines by December 31, 2007.

(C) A report submitted by January 31, 2009, must contain at a minimum, the transit vehicle fleet NOx emission average. If that number exceeds the average required in section 2023.2(a)(1), the report must include a schedule of actions planned to achieve compliance by December 31, 2010.

1. If a change to the compliance schedule occurs that results in noncompliance, the transit agency must notify the Executive Officer within 30 days.

2. Notification to the Executive Officer must include a revised schedule showing how the agency will be in compliance within 90 days of the schedule change that caused noncompliance.

(D) A final report submitted by January 31, 2011 must contain details the transit fleet vehicle fleet NOx emission average as of December 31, 2010, or must document the retirement of all model year 2001 and earlier transit fleet vehicle engines by December 31, 2010.

(3) For the total diesel PM reduction requirements set forth in section 2023.2(b):

(A) An initial report submitted by January 31, 2006, must contain the PM engine certification value of each transit fleet vehicle engine and the transit fleet vehicle diesel PM total as of January 1, 2005.

(B) A report submitted by January 31, 2008, must contain the transit fleet vehicle diesel PM total as of December 31, 2007, and the percentage diesel PM reduced, documenting compliance with the requirement in section 2023.2(b)(1).

(C) A final report submitted by January 31, 2011, of the transit fleet vehicle diesel PM total as of December 31, 2010, and the percentage diesel PM reduced, documenting compliance with the requirement in section 2023.2(b)(2).

(D) For each transit fleet vehicle for which a diesel emission control strategy has been applied, each report specified above must include the strategy's product serial number; its Diesel Emission Control Strategy Family Name in accordance with the requirements of section 2705(g)(2), title 13, CCR; and the date of installation correlated to a specific transit fleet vehicle engine.

(f) The following reports on the zero-emission bus demonstration program shall be submitted by those transit agencies required to conduct such demonstrations, as described below:

(1) Initial documentation shall contain, at a minimum, the bus order and delivery schedule, fuel type, type of refueling station, any planned facility modifications, and a revenue service demonstration plan;

(2) A financial plan shall contain, at a minimum, projected expenditures for capital costs for purchasing and/or leasing buses, refueling stations, any facility modifications, and projected annual operating costs;

(3) A preliminary report shall contain, at a minimum, the following information:

(A) a brief description of the zero-emission technology utilized, identification of the bus manufacturer, and the product specifications;

(B) a comparison with conventional buses on the following parameters: miles driven per bus in revenue and non-revenue service, miles between propulsion related road calls, miles between road calls, availability of bus for pull out, fuel economy, fueling costs, infrastructure costs, initial cost of bus, maintenance costs of propulsion related components, warranty of fuel cell and propulsion related components, safety incidents, and maintenance (both scheduled and unscheduled);

(C) qualitative transit personnel and passenger experience; and

(D) a financial summary of the capital costs of bus purchases and/or leases and fueling infrastructure.

(4) A final report shall contain, at a minimum, the following information:

(A) a brief description of the zero-emission technology utilized, identification of bus manufacturer and product specifications,

(B) a comparison with conventional buses on the following parameters: miles driven per bus in revenue service, miles between propulsion related road calls, miles between road calls, availability of bus for pull out, fuel economy, fueling costs, infrastructure costs, initial cost of bus, maintenance costs of propulsion related components, warranty of fuel cell and propulsion related components, bus down time (scheduled and unscheduled), safety incidents, driver and mechanic training conducted, and maintenance (both scheduled and unscheduled),

(C) qualitative transit personnel and passenger experience, and

(D) a financial summary of capital costs of demonstration program, including bus purchases and/or leases, fueling infrastructure, any new facilities or modifications, and annual operating costs.

(5) Beginning 1 month after the start of a demonstration and monthly thereafter, an update on the demonstration shall be provided to Air Resources Board staff. These updates shall provide staff with zero-emission bus qualitative data on the following parameters: brief description of each bus's operation, number of days in operation (in-service and testing), bus down time (scheduled and unscheduled), reason for bus down time, outreach events, and requests for future participation in outreach events.

(6) Beginning 2 months after the delivery of the first bus and quarterly thereafter, an update on the demonstration shall be provided to Air Resources Board staff. These updates shall provide staff with zero-emission and conventional bus quantitative data on the following parameters: reliability (defined as miles between propulsion related road calls), operating and maintenance costs, maintenance conducted, warranty issues, availability of bus for pull out, fuel economy, technology performance, bus downtime (scheduled and unscheduled), safety incidents, issues with fueling equipment, outreach efforts, and driver and mechanic training conducted.

(g) The following reports on new zero-emission bus purchases and/or leases shall be submitted by transit agencies required to purchase zero-emission buses as described below:

(1) The initial report shall contain, at a minimum, the following information:

(A) a brief description of the zero-emission technology to be utilized and a plan for the implementation of the requirement,

(B) for an exemption from the purchase requirement, documentation that 15 percent or more of the transit agency's active urban bus fleet is composed of zero-emission buses.

(2) Any requests for deviation from the requirement that 15 percent of buses purchased per year must be zero-emission buses must be submitted in writing and approved by the Executive Officer of the Air Resources Board 90 days prior to a transit agency submitting a purchase order(s) reflecting the purchase deviation. The written request shall include the reason for requesting the deviation and the transit agency's future planned zero-emission bus purchases.

(3) Transit agencies on the diesel path shall include in the annual reports required in paragraph (b)(2): zero-emission bus purchases and/or leases beginning with model year 2008 and through model year 2026, and the annual average percentage of total bus purchases and/or leases that were zero-emission buses.

(4) Transit agencies on the alternative-fuel path shall include in the annual reports required in paragraph (a)(3): zero-emission bus purchases and/or leases beginning with model year 2008 and through model year 2026, and the annual average percentage of total bus purchases and/or leases that were zero-emission buses.

(h) Transit agencies exempted from the requirements of paragraphs (b)(5) and (c)(4), section 2023.1, title 13, CCR, shall submit annual reports demonstrating that they are achieving NOx emission benefits required in paragraphs (b)(8)(B) and (c)(7)(B), section 2023.1, title 13, CCR. The first report shall be submitted by January 31, 2005. Subsequent reports shall be submitted annually by January 31 through the year 2016.

(i) A transit agency requesting approval for the purchase of diesel-fueled hybrid-electric buses pursuant to paragraph (c)(9), section 2023.1, title 13, CCR, shall:

(1) submit an application for approval that meets the requirements of paragraphs (c)(9)(A) and (c)(9)(B), section 2023.1, title 13, CCR;

(2) include in the application all of the following: the number, manufacturer, make and model year of diesel-fueled hybrid-electric buses to be purchased; the schedule for the purchase and delivery of the buses; a detailed description of all measures that will be used to offset the excess NOx emissions including identification of the specific buses to which the measures will be applied, and the schedule for implementing those measures; and

(3) submit a final report to the Executive Officer within 30 days of receipt of the last diesel-fueled hybrid-electric bus that documents the schedule of delivery of the diesel-fueled hybrid-electric buses, timing, and completion of all measures to achieve the NOx offset.

(j) A new transit agency shall submit the following information to the Executive Officer:

(1) within 60 days of formation, the name of the new transit agency, its mailing address, name of a contact person and that person's e-mail address and phone number; a description of the service area and proposed routes; and the planned number of urban buses and transit fleet vehicles, including model years of engines;

(2) within 120 days of formation, its NOx fleet average for its active fleet and, separately, its transit fleet vehicles, and its diesel PM emission total for its active fleet and, separately, its diesel PM emission total for its transit fleet vehicles.

(k) Failure to submit complete reports.

(1) A transit agency that fails to submit a complete report in accordance with this section is subject to civil penalties of not less than \$100 per day for every day past January 31 of each reporting year through 2016. For transit agencies with more than 150 urban buses civil penalties of not less than \$100 per day for every day past January 31 shall continue for each reporting year through 2027.

(2) A new transit agency that fails to submit its report or required information in accordance with this section is subject to civil penalties of not less than \$100 per day for every day past the required reporting dates in section 2023.4(j).

(3) A report that does not contain all required information will not be considered complete. A report will be considered to be complete as of the date that all required information is submitted.

Note: Authority cited: Sections 39600, 39601, 39659 and 39667, Health and Safety Code. Reference: Sections 39667, 39700, 43000, 43000.5, 43013, 43018, 43801 and 43806, Health and Safety Code.

HISTORY

1. Renumbering of former section 1956.4 to section 2023.4, including amendment of section heading, section and Note, filed 1-31-2006; operative 1-31-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 5).

2. Change without regulatory effect amending subsection (e)(2)(c) filed 6-16-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 24).

3. New subsection (b)(4) filed 9-7-2006; operative 10-7-2006 (Register 2006, No. 36).

4. Amendment filed 10-15-2007; operative 11-14-2007 (Register 2007, No. 42).

13 CCR § 2023.4, 13 CA ADC § 2023.4

This database is current through 5/18/12 Register 2012, No. 20

13 CA ADC § 2025 - Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles.

(a) Purpose

The purpose of this regulation is to reduce emissions of diesel particulate matter (PM), oxides of nitrogen (NOx) and other criteria pollutants from in-use diesel-fueled vehicles.

(b) Scope and Applicability

Except as provided in subsection (c), this regulation applies to any person, business, federal government agency, school district or school transportation provider that owns or operates, leases, or rents, affected vehicles that operate in California. The regulation also applies to persons that sell affected vehicles in California. Affected vehicles are those that operate on diesel-fuel, dual-fuel, or alternative diesel-fuel that are registered to be driven on public highways, were originally designed to be driven on public highways whether or not they are registered, yard trucks with on-road engines or yard trucks with off-road engines used for agricultural operations, both engines of two-engine sweepers, schoolbuses, and have a manufacturer's gross vehicle weight rating (GVWR) greater than 14,000 pounds (lbs).

(c) Exemptions

This regulation does not apply to:

(1) Vehicles subject to the solid waste collection vehicle rule commencing with title 13, CCR, section 2021;

(2) Vehicles owned or operated by a municipality, as defined in title 13, section 2020(b), that comply with the Best Available Control Technology (BACT) requirements of title 13, CCR, section 2022.1(a)(1);

(3) Vehicles subject to the fleet rule for public transit agencies commencing with title 13, CCR, section 2023;

(4) Vehicles subject to the rule for mobile cargo handling equipment at ports and intermodal rail yards commencing with title 13, CCR, section 2479;

(5) Military tactical support vehicles, as described in title 13, CCR, section 1905;

(6) Authorized emergency vehicles as described in California Vehicle Code (Veh. Code), section 165;

(7) Off-road vehicles equipped with engines subject to title 13, CCR, sections 2401, 2411, 2421, 2432, and 2449;

(8) Dedicated snow-removal vehicles as defined in section 2025(d)(15);

(9) Historic vehicles as defined in section 2025(d)(36);

(10) Motor homes for non-commercial private use;

(11) Except as specified in section 2025(l) vehicles subject to the regulation for drayage trucks commencing with title 13, CCR, section 2027 until January 1, 2023;

(12) Trucks with a GVWR of 19,500 lbs or less with a pick-up bed used exclusively for personal, non-commercial, or non-governmental use; and

(13) Except for two-engine sweepers, other two-engine on-road vehicles that are subject to title 13, CCR, section 2449, including but not limited to, water well drilling rigs, workover rigs, and cranes, in which one engine provides the motive power for the vehicle and a second engine is an auxiliary engine 50 horsepower or greater that is integrated into the design of the vehicle and provides power for the vehicle to perform a specialized function.

(d) Definitions

For purposes of this regulation, the following definitions apply:

(1) "2006 Baseline Fleet" means diesel-fueled heavy-duty vehicles with a GVWR greater than 26,000 lbs included in the scope of section 2025(b) that were owned by a fleet and registered to operate in California on October 1, 2006 with the California Department of Motor Vehicles, or were owned by a fleet, registered to operate on October 1, 2006 in a jurisdiction that is an International Registration Plan member, and were driven at least 1,000 miles in California in the calendar year 2006. A fleet owner must include all vehicles that fall within the scope and applicability of section 2025(b) and must exclude all vehicles that are exempt from the regulation in the exemptions section 2025(c).

(2) "2007 Model Year Emissions Equivalent" means emissions from:

(A) An engine certified to the 2004 through 2006 model year heavy-duty diesel engine emissions standard that is equipped with the highest level VDECS and reduces NOx emissions by at least 40 percent; or

(B) An engine that was built to the 2004 engine emission standard and was not used in any manufacturer's averaging, banking, or trading program that is equipped with the highest level VDECS and reduces NOx exhaust emissions by at least 40 percent; or

(C) An engine certified to the 2003 or prior model year heavy-duty diesel engine emissions standard that is equipped with the highest level VDECS and reduces NOx exhaust emissions by at least 70 percent; or

(D) An engine certified to the 2007-2009 model year heavy-duty engine emissions standard and meets PM BACT.

(3) “ 2010 Model Year Emissions Equivalent Engine” means emissions from:

(A) An engine certified to the 2004 through 2006 model year heavy-duty diesel engine emissions standard that is equipped with the highest level VDECS and reduces NOx emissions by at least 85 percent; or

(B) An engine that was built to the 2004 engine emission standard and was not used in any manufacturer's averaging, banking, or trading program that is equipped with the highest level VDECS and reduces NOx exhaust emissions by at least 85 percent; or

(C) An engine certified to the 2007 model year heavy-duty diesel engine emissions standard that meets PM BACT and reduces NOx exhaust emissions by more than 70 percent; or

(D) An engine certified to the 2010 model year or newer heavy-duty diesel engine emissions standard that meets PM BACT; or

(E) A heavy-duty engine certified to 0.2 g/bhp-hr or less NOx emissions level and 0.01 g/bhp-hr or less PM emissions level; or

(F) An off-road engine certified to the Tier 4 Final engine emissions standard.

(4) “ Agricultural Operations” means:

(A) The activity of growing or harvesting crops for the primary purpose of making a profit or providing a livelihood including any horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee or farm product. Raising plants at nurseries that sell exclusively retail are not included, or

(B) The cutting or removing of timber, other solid wood products, including Christmas trees, and biomass from forestlands for commercial purposes. The services also include all the work incidental thereto, including but not limited to, construction and maintenance of roads, fuel breaks, firebreaks, stream crossings, landings, skid trails, beds for falling trees, fire hazard abatement, and site preparation that involves disturbance of soil or burning of vegetation following forest removal activities. Forest operations include the cutting or removal of trees, tops, limbs and or brush which is processed into lumber and other wood products, and or for landscaping materials, or biomass for electrical power generation. Forest operations do not include conversion of forestlands to other land uses such as residential or commercial developments.

(5) “ Agricultural Vehicle” means a vehicle that is eligible to utilize the requirements for agricultural vehicles in section 2025(m) and meets one of the definitions of (A) through (E) below.

(A) A vehicle, or truck-tractor and trailer combination, owned by a farming business and used exclusively in one or more of the following ways:

1. in agricultural operations;
2. to transport harvested farm products to the first point of processing;
3. to directly support farming or forestry operations, which may include supply trucks, cattle trucks, and other vehicles but does not include vehicles that do not directly support farming operations such as personal use vehicles, vehicles rented or leased to others for non-agricultural uses that do not qualify, or vehicles used in a transportation business other than to transport harvested farm products to the first point of processing.

(B) A vehicle, or truck-tractor and trailer combination, owned by a bee keeping business and used exclusively to transport their own bees or honey to the first point of processing.

(C) A truck, or a truck-tractor and trailer combination, that is required to display a hazardous material placard during delivery and exclusively delivers fertilizer or crop protection chemicals that require placard identification for use in agricultural operations from a distribution center to a farm and back, and is owned by a business holding a valid fertilizer or pest control license.

1. Owners of such vehicles must hold:

- a. a valid pest control dealer license issued by the California Department of Pesticide Regulation as required under Food & Agricultural Code, Division 6, Chapter 7, Article 6, Section 12101; or
- b. a valid fertilizing materials license issued by the California Department of Food and Agriculture as required under Food & Agricultural Code, Division 7, Chapter 5, Article 4, Section 14591(a).

2. Such vehicles must exclusively carry products defined under one of the following, and be required to display an appropriate placard, as required by the United States Department of Transportation:

- a. 49 CFR, CHAPTER 1, PART 173.127 (Division 5.1); or
- b. 49 CFR, CHAPTER 1, PART 173.132 (Division 6.1); or
- c. 49 CFR, CHAPTER 1, PART 173.115 Class 2, (Division 2.1, 2.2, and 2.3); or
- d. 49 CFR, CHAPTER 1, PART 173.136 Class 8; or
- e. 49 CFR, CHAPTER 1, PART 173.140 Class 9.

(D) A truck, or truck-tractor and trailer combination, designed for in-field operations, that is exclusively engaged in agricultural operations on the farm. Examples include truck configurations designed to spread manure, dispense hay, and dispense freestall bedding. It also includes water trucks and trucks designed or modified to be used exclusively for the dusting, spraying, fertilizing, or seeding of crops. Except as allowed in

(A) above, trucks, or truck-tractor and trailer combinations that transport any products, materials, personnel, or equipment are excluded.

(E) A truck, or truck-tractor and trailer combination, including yard trucks, that exclusively transports any unprocessed horticultural, viticultural, aquacultural, forestry, dairy, livestock, poultry, bee or farm products such as raw, unprocessed crops, livestock, fish, or fowl between the farm and where the first point of processing occurs after harvest. Also included are trucks that are used to harvest crops for silage, and trucks that transport unprocessed agricultural materials from forest or farm to a biomass facility.

(6) "Alternative Diesel Fuel" means any fuel used in diesel engines that is not a reformulated diesel fuel as defined in sections 2281 and 2282 of title 13, CCR, and does not require engine or fuel system modifications for the engine to operate, other than minor modifications (e.g., recalibration of the engine fuel control) that may enhance performance. Examples of alternative diesel fuels include, but are not limited to, biodiesel, Fischer-Tropsch fuels, and emulsions of water in diesel fuel. Natural gas is not an alternative diesel fuel. An emission control strategy using a fuel additive will be treated as an alternative diesel fuel based strategy unless:

(A) the additive is supplied to the engine fuel by an on-board dosing mechanism; or

(B) the additive is directly mixed into the base fuel inside the fuel tank of the engine; or

(C) the additive and base fuel are not mixed until engine fueling commences, and no more additive plus base fuel combination is mixed than required for a single fueling of a single engine or vehicle.

(7) "Alternative Fuel" means natural gas, propane, ethanol, methanol, hydrogen, electricity, fuel cells, or advanced technologies that do not rely on diesel fuel. "Alternative fuel" also means any of these fuels used in combination with each other or in combination with other non-diesel fuels.

(8) "Alternative-Fueled Engine" means an engine that is exclusively fueled with a fuel meeting the definition of alternative fuel.

(9) "Authorized Emergency Vehicle" has the same meaning as California Vehicle Code section 165.

(10) "California Based Broker" means a person, with operations based in California, who, for compensation, arranges or offers to arrange the transportation of property by an authorized motor carrier. A motor carrier, or person who is an employee or bona fide agent of a carrier, is not a broker when it arranges or offers to arrange the transportation of shipments which it is authorized to transport and which it has accepted and legally bound itself to transport.

(11) "Commercial Vehicle" means a motor vehicle or combination of motor vehicles as defined in California Veh. Code, section 260.

(12) "Common Ownership or Control" means being owned or managed day to day by the same person, corporation, partnership, or association. Vehicles managed by the same directors, officers, or managers, or by corporations controlled by the same majority

stockholders are considered to be under common ownership or control even if their title is held by different business entities. Common ownership or control of a federal government vehicle shall be the primary responsibility of the unit that is directly responsible for its day to day operational control.

(13) “ Compliance Year” means January 1 through December 31 of a calendar year.

(14) “ Compression Ignition Engine” means an internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignition engine.

(15) “ Dedicated Snow Removal Vehicle” means a vehicle that has permanently affixed snow removal equipment such as a snow blower or auger, and is operated exclusively to remove snow from public roads, private roads, or other paths to allow on-road vehicle access.

(16) “ Diesel Fuel” has the same meaning as defined in title 13, CCR, sections 2281 and 2282.

(17) “ Diesel Particulate Filter” means an emission control technology that reduces diesel particulate matter emissions by directing the exhaust through a filter that physically captures particles but permits gases to flow through. Periodically, the collected particles are either physically removed or oxidized (burned off) in a process called regeneration.

(18) “ Diesel Particulate Matter (PM)” means the particles found in the exhaust of diesel-fueled compression ignition engines. Diesel PM may agglomerate and adsorb other species to form structures of complex physical and chemical properties.

(19) “ Drayage Truck” is the same as defined in title 13, CCR, section 2027.

(20) “ Dual-Fuel Engine” means any compression ignition engine that is engineered and designed to operate on a combination of alternative fuels, such as compressed natural gas (CNG) or liquefied petroleum gas (LPG) and diesel fuel or an alternative diesel fuel. These engines have two separate fuel systems, which inject both fuels simultaneously into the engine combustion chamber. A dual-fuel engine is not an alternative-fuel engine.

(21) “ Electronic Tracking System”

(A) The tracking device must acquire date, time, and engine-on data at a minimum of 15 minute intervals, with no more than 30 minute data gaps. The tracking device must also acquire location data for vehicles claiming to operate exclusively in NOx-exempt areas and for vehicles that must document low use in California when their total miles of operation exceed 1,000 miles and total hours of operation exceed 100 hours.

(B) The tracking records must be collected by an independent entity with no business relationship to the owners of the vehicles being tracked, other than to provide the tracking service.

(22) “ Emergency Operation” means operation of an authorized emergency vehicle or emergency support vehicle to help alleviate an immediate threat to public health or

safety. Examples of emergency operation include vehicle used at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operation includes authorized emergency vehicle and emergency support vehicle travel to and from an emergency event when dispatched by a local, state, or federal agency. Routine operation to prevent public health risks does not constitute emergency operation.

(23) “ Emergency Support Vehicle” means a vehicle, other than an authorized emergency vehicle that has been dispatched by a local, state, or federal agency that is used to provide transport services or supplies in connection with an emergency operation.

(24) “ Executive Officer” means the Executive Officer of the ARB or his or her authorized representative.

(25) “ Farm” means a physical location for which the primary purpose is making a profit or providing a livelihood from:

(A) horticultural, viticultural, aquacultural, forestry or crops or plants that are grown and harvested at the location, (nurseries that sell exclusively retail are not farms); or

(B) raising, breeding, grazing, feeding, or milking animals, fish, fowl, or bees.

(26) “ Farming Business” means a business involved exclusively in the cultivating, operating, or managing a farm for profit, or a business contracted to harvest trees in a forest for profit. A farming business does not include businesses that derive their principal source of income from providing agricultural services such as, landscape services, veterinary, farm labor, or management for a fee or on a contract basis, or are engaged in the business of artificial insemination, raising, and caring for dogs, cats, or other pet animals.

(27) “ First Point of Processing” means the location where harvested crops, bees, fowl, fish, livestock, animals, or their products, such as wool, milk, or eggs, are first altered from their original state, or the first location where unaltered products are packaged and prepared for transportation. First point of processing is not a location of the product's final use and for some crops the location may be in the field, such as chipping wood. First point of processing also includes biomass facilities that receive agricultural waste in the form of unprocessed agricultural materials. A first point of processing may include, but is not limited to, packinghouses, slaughterhouses, cotton gins, nut hullers/shellers and processors, dehydrators, lumber mills, feed and grain mills, and biomass facilities. First point of processing does not include distribution centers, wholesale retail sales locations where the first processing of product does not occur, livestock auction houses, and subsequent locations where processing, canning, or similar activities occur after departing a first point of processing location.

(28) “ Fleet” means one or more vehicles, owned by a person, business, or government agency, traveling in California and subject to this regulation. A fleet may fall into one of the following subclassifications:

(A) “ Federal Fleet” means a fleet of vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies including the United States Postal Service. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a military service or an installation; or

(B) “ Rental or Leased Fleet” means a fleet of vehicles owned by a person (rental or leasing entity) for the purpose of renting or leasing, as defined in California Uniform Commercial Code, section 10103(a)(10) such vehicles to other persons (renters or lessees) for use or operation.

(29) “ Fleet Owner” means, except as modified below in paragraphs (A) and (B), either the person registered as the owner or lessee of a vehicle by the California Department of Motor Vehicles (DMV), or its equivalent in another state, province, or country; as evidenced on the vehicle registration document carried in the vehicle.

(A) For vehicles that are owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States, including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.

(B) For vehicles that are rented or leased:

1. The owner shall be presumed to be the rental or leasing entity for purposes of compliance with section 2025(e), if:

a. The rental or lease agreement for the vehicle is for a period of less than one year; or

b. The rental or lease agreement for the vehicle is for a period of one year or longer, unless the terms of the rental or lease agreement or other equally reliable evidence identifies the party responsible for compliance with state laws for the vehicle to be the renting operator or lessee of the vehicle.

2. For purpose of enforcement, if the vehicle is inspected and cited for noncompliance with this regulation and neither the operator of the vehicle nor the rental or leasing entity can produce evidence of the party responsible for compliance with state laws, the owner shall be presumed to be both the rental or leasing entity and the renting operator or lessee of the vehicle.

(30) “ Fleet Size” means the total number of diesel vehicles with a GVWR greater than 14,000 lbs in a fleet, regardless of whether the vehicles operate in California, that are under common ownership or control even if they are part of different subsidiaries, divisions, or other organizational structures of a company or agency.

(31) “ Fuel Efficient Hybrid Vehicle” means a vehicle with an onboard energy storage system that improves the average fuel economy of the vehicle by at least 20 percent compared to a conventional diesel vehicle of the same model year and configuration. The vehicle must have a combination of an engine and onboard energy storage system

that provides motive power for accelerating the vehicle, regenerative braking, or operates auxiliary equipment while stationary, such as a boom, auger, or drill rig. The energy storage system can be electric, hydraulic, pneumatic or of any other type that recovers its energy directly or indirectly from the engine. In addition, the onboard energy storage system of the hybrid vehicle can have the capability to supplement its energy from an external power source.

(32) “ Governmental Agency” means any federal, state, or local governmental agency, including, public schools, water districts, or any other public entity with taxing authority.

(33) “ Gross Vehicle Weight Rating (GVWR)” is as defined in Vehicle Code Section 350.

(34) “ Heavy-Duty Pilot Ignition Engine” means an engine designed to operate using an alternative fuel, except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on an energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.

(35) “ Highest Level VDECS” means the highest level VDECS verified by ARB under its Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (Verification Procedure), title 13, CCR, sections 2700-2710, for a specific engine as of 10 months prior to the compliance date, which the diesel emission-control strategy manufacturer and authorized diesel emission-control strategy dealer agree can be used on a specific engine and vehicle combination without jeopardizing the original engine warranty in effect at the time of application.

(A) The highest level VDECS is determined solely on verified diesel PM reductions. Plus designations do not affect the diesel PM level assigned to a VDECS; that is, a Level 3 Plus is the same diesel PM level as Level 3.

(B) A Level 2 VDECS shall not be considered the highest level VDECS as long as a Level 3 VDECS can be retrofitted on a vehicle in the fleet.

(C) Level 1 devices are never considered highest level VDECS for the purpose of this regulation.

(36) “ Historic Vehicle” means a vehicle that meets the qualifications for a historical vehicle and has been issued a historical vehicle license plate pursuant to the California Veh. Code, section 5004, and is operated or moved over the highway primarily for the purpose of historical exhibition or other historic vehicle club activities.

(37) “ Hubodometer” means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.

(38) “ International Registration Plan (IRP)” is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

(39) "Log Truck" means a heavy-duty vehicle with a manufacturer's GVWR greater than 33,000 lbs and has log bunks permanently attached that exclusively transports logs.

(40) "Low-Mileage Construction Truck" means a vehicle that meets the definition in (A) or (B) as follows:

(A) A dump truck with a GVWR greater than 26,000 lbs that operates less than 20,000 miles per calendar year and is designed to transport construction materials such as dirt, asphalt, rock or construction debris including a transfer truck, or a tractor trailer combination used exclusively to pull bottom dump, end dump or side dump trailers, or

(B) A truck with a GVWR greater than 26,000 lbs that travels less than 15,000 miles per calendar year and is a concrete mixer truck, truck with a concrete placing boom, a water tank truck, a single engine crane with a load rating of 35 tons or more, a tractor that exclusively pulls a low-boy trailer, or a truck owned by a company that holds a valid license issued by the California Contractors State License Board.

(41) "Low-use Vehicle" means a vehicle that will be operated fewer than 1,000 miles in California in any compliance year. If that vehicle has an engine that powers other equipment that can only be used while stationary, the engine or power take off (PTO) must also operate less than 100 hours in any compliance year. The hour limitation does not apply for vehicles where the engine is used to power an auxiliary mechanism that strictly loads and unloads cargo from the vehicle (examples include, but are not limited to, dump trucks, cement powder trucks, or trucks with attached lift devices).

(42) "Motor Carrier" is the same as defined in California Veh. Code section 408 for fleets other than those that are comprised entirely of school buses, which for the purposes of this regulation, means the registered owner, lessee, licensee, school district superintendent, or bailee of any school bus, who operates or directs the operation of any such bus on either a for-hire or not-for-hire basis.

(43) "Motor Home" means a single vehicular unit designed for human habitation for recreational or emergency occupancy and built on, or permanently attached to, a self-propelled motor vehicle chassis, chassis cab, or van, which becomes an integral part of the completed vehicle or a vehicle that exclusively tows a trailer that was originally designed for human habitation for recreational or emergency occupancy.

(44) "New Fleet" means a fleet that is acquired or that enters California after January 1, 2012. Such fleets may include new businesses or out-of-state businesses that bring vehicles into California for the first time after January 1, 2012.

(45) "Non-Commercial Use" means any use or activity where a fee is not charged and the purpose is not the sale of a good or service, and the use or activity is not intended to produce a profit.

(46) "NOx Exempt Areas" are the following counties - Alpine, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Monterey, Northern Sonoma (as defined in title 17, CCR section 60100(e), Plumas, San Benito, San Luis Obispo, Santa Barbara, Santa Cruz, Shasta, Sierra, Siskiyou, Trinity, Tehama, and Yuba.

(47) “ Person” means an individual, corporation, business trust, estate, trust, partnership, Limited Liability Company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(48) “ PM BACT” means the technology employed on the highest level VDECS for PM or an engine that is equipped with an original equipment manufacturer (OEM) diesel particulate filter and certified to meet the 0.01 g/bhp-hr certification standard.

(49) “ Registered and Driven Safely On-Road” means a vehicle that meets the requirements to be registered for on-road operation in California Veh. Code division 3, chap. 1, article 1, section 4000 et seq. (i.e., required to be registered or could be registered), and the requirements to be driven safely on-road in “Equipment of Vehicles” requirements in Veh. Code division 12, chap. 1, sections 24000 et seq. and “Size, Weight, and Load” requirements in Veh. Code division 15, sections 35000 et seq, or a vehicle defined as an implement of husbandry as defined in California Veh. Code division 16, chap. 1, section 36000 et seq.

(50) “ Repower” means to replace the engine in a vehicle with a newer engine certified to lower emission standards for PM or NOx or both as applicable.

(51) “ Responsible Official” means one of the following:

(A) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, their delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation;

(B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

(C) For a municipality, state, federal, or other governmental agency: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a commanding officer of an installation, base or tenant organization.

(52) “ San Joaquin Valley Air Basin” includes the entire counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, and Kings and western part of Kern County as described starting page 23888 of the Federal Register Vol. 69, No. 84.

(53) “ School Bus” is a motor vehicle as defined in California Veh. Code, section 545.

(54) “ Specialty Agricultural Vehicle” means an agricultural vehicle having one of the following body types and has been approved for the exemption in section 2025(m)(11) by the Executive Officer:

(A) A truck, or a truck-tractor and trailer combination, designed or modified to be used exclusively for the fueling, repairing, or loading of an airplane or helicopter used for the dusting, spraying, fertilizing, or seeding of crops; or

(B) A truck, or a truck tractor and trailer combination, that is equipped with a self-loading bed and is designed and used exclusively to transport field manufactured cotton modules to a cotton gin; or

(C) A truck equipped with a water tank owned by a farmer, not operated for compensation, and used exclusively in agricultural operations to provide dust suppression on dirt roads providing access to agricultural fields and for the transportation of water for crop or tree irrigation or for livestock; or

(D) A feed truck or mixer-feed truck specially designed for dispensing feed to livestock. It does not include trucks designed to supply storage silos with feed; or

(E) A truck with a self-loading bed designed to be used in the process of harvesting lettuce. This type of vehicle is commonly referred to as a Fabco truck.

(55) “ Three Day Pass” means a once-a-year temporary permit to operate a vehicle in California for three consecutive days without meeting the requirements of section 2025(e).

(56) “ Tier 0 Engine” means an engine not subject to the requirements in title 13, CCR, section 2423; Title 40, Code of Federal Regulations (CFR), Part 89; or Title 40, CFR, Part 1039.

(57) “ Tier 4 Final Engine” means an engine subject to the final after-treatment-based Tier 4 emission standards in title 13, CCR, section 2423(b)(1)(B) and/or Title 40, CFR, Part 1039.101. This also includes engines certified under the averaging, banking, and trading program with respect to the Tier 4 FEL listed in title 13, CCR, section 2423(b)(2)(B) and/or Title 40, CFR, Part 1039.101

(58) “ Two-Engine Sweeper” means an on-road heavy-duty vehicle with a manufacturers GVWR greater than 14,000 lbs, used for the express purpose of removing material from road or other surfaces, by mechanical means through the action of one or more brooms, or by suction through a vacuum or regenerative air system or any combination of the above. A two-engine street sweeper has an engine to propel the vehicle and an auxiliary engine to power the broom or vacuum.

(59) “ Private Utility Vehicle” means a vehicle owned by a privately-owned or publicly held company or corporation that provides the same or similar services for water, natural gas, and electricity as a public utility operated by a municipality.

(60) “ 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.

(61) “ 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 is assumed to have failed.

(62) “ Yard Truck” means a vehicle, with an on-road or off-road engine and a hydraulically elevated fifth wheel, that is used in moving and spotting trailers and containers at locations or facilities. Yard trucks are also known as yard goats, hostlers, yard dogs, trailer spotters, or jockeys.

(e) General Requirements

Beginning with the applicable effective dates, a fleet owner must comply with the following requirements of this regulation:

(1) Except as otherwise provided below for specific classifications in sections 2025(e)(2) through 2025(e)(5), fleets must meet the following compliance schedule:

(A) Starting January 1, 2015, fleets must meet the requirements of section 2025(f) for all vehicles with a GVWR 26,000 lbs or less except for school buses.

(B) Starting January 1, 2012, for all vehicles with a GVWR greater than 26,000 lbs, excluding school buses, fleets must meet the requirements of section 2025(g) or fleets that report may instead comply with the phase-in option of section 2025(i).

(C) Fleets with one to three vehicles with a GVWR greater than 14,000 lbs may utilize the small fleet compliance option of section 2025(h) for vehicles with a GVWR greater than 26,000 lbs.

(2) Beginning January 1, 2012, fleets with school buses must comply with the requirements of section 2025(k) for all school buses in the fleet.

(3) Beginning January 1, 2021, all private utility vehicle owners must comply with the requirements of section 2025(l)(4).

(4) Beginning January 1, 2023 drayage trucks must comply with the requirements of section 2025(l)(1) through (3).

(5) All fleets may utilize the credit provisions of section 2025(j), the provisions of agricultural vehicles and log trucks of section 2025(m), the provisions for construction trucks, vehicles operating exclusively in the NOx exempt areas, or any of the other extensions, delays, and exemptions of section 2025(p).

(6) Although the total number of vehicles under common ownership or control is determinative of fleet size, if some of the vehicles within the fleet are under the control of different responsible officials because they are part of different subsidiaries, divisions, or other organizational structures of a company or agency, the fleet owner of a “common ownership or control fleet” may elect to have the vehicles under the control of different responsible officials report compliance independently of other vehicles in the general fleet if choosing to comply with the requirements of section 2025(g) or the phase-in option of section 2025(i) for the segment of the fleet under the control of the different

responsible officials. However, all vehicles under common ownership and control must be reported for the fleet to use the credits for fleets that have downsized in section 2025(j)(1), the credits for the early addition of newer vehicles in section 2025(j)(3), or the extension for low-mileage construction trucks of section 2025(p)(2).

(7) Except personal, non-commercial, unregistered motor vehicles, or vehicles otherwise not required to obtain authority to operate, the following is required for all fleet owners who elect to utilize the phase-in option of section 2025(i) and the small fleet option of section 2025(h), the credit provisions of section 2025(j) for early PM retrofits, early addition of newer vehicles, hybrid vehicles, alternative fueled vehicles, and vehicles with heavy-duty pilot ignition engines, the agricultural vehicle provisions of section 2025(m), or the exemptions, delay, and extensions of section 2025(p):

- (A) A valid California motor carrier of property number; or
- (B) A valid identification number assigned by the United States Secretary of the Department of Transportation; or
- (C) A valid operating authority number issued by the Public Utilities Commission; or
- (D) Other applicable valid operating authority number approved by the Executive Officer.

(8) All information specified in section 2025(r) must be reported to the Executive Officer.

(9) Records must be kept as specified in section 2025(s).

(10) Once a vehicle is required to be in compliance with this regulation, it must remain in compliance at all times that it is operating in California.

(f) Requirements for Vehicles with a GVWR 26,000 lbs or less

Fleets owners must comply with the schedule in Table 1 for all the vehicles in the fleet with a GVWR 26,000 lbs or less and meet the record keeping requirements of section 2025(s). Fleets do not need to meet the reporting requirements of section 2025(r). School buses are not subject to the requirements of this subsection and must meet the requirements of section 2025(k).

(1) Except as provided in (3) below, all vehicles with a GVWR 26,000 lbs or less must be equipped with a 2010 model year emission equivalent engine pursuant to the following schedule in Table 1:

*Table 1: Compliance Schedule by
Engine Model Year
for Vehicles with a GVWR 26,000
lbs or less*

<i>Compliance Date</i>	<i>Existing Engine Model Year</i>	<i>Requirements</i>
<i>as of January 1</i>		

2015	1995 & older	
2016	1996	
2017	1997	
2018	1998	2010 model year
2019	1999	emission equivalent
2020	2003 & older	
2021	2004- 2006	
2022	N/A	
2023	All engines	

(2) Any engine that meets PM BACT prior to January 1, 2014, does not have to be upgraded to a 2010 model year emissions equivalent engine until January 1, 2020, but the fleet owner must meet the reporting and record keeping requirements of sections 2025(r) and (s) for the vehicle.

(3) Fleets may use the provisions for agricultural vehicles in section 2025(m) or any of the exemptions, delays, and extensions of section 2025(p), except for the following sections that apply only to heavier trucks: 2025(p)(1)(B), 2025(p)(2), 2025(p)(8), 2025(p)(9), and 2025(p)(10).

(4) Any fleet where all vehicles with a GVWR 26,000 lbs or less meet PM BACT prior to January 1, 2014, does not have to upgrade those vehicles to 2010 model year emissions equivalent engines until January 1, 2023, but must meet the reporting and record keeping requirements of sections 2025(r) and 2025(s) by January 31, 2014 for all the vehicles in the fleet with a GVWR 26,000 lbs or less.

(g) Requirements for Vehicles with a GVWR greater than 26,000 lbs

Fleets owners must comply with the schedule in Table 2 for all vehicles in the fleet with a GVWR greater than 26,000 lbs and must comply with the record keeping requirements of section 2025(s), and are not required to meet the reporting requirements of section 2025(r). A fleet may meet PM BACT by installing the highest level VDECS or by having an engine equipped with an OEM diesel particulate filter. A fleet may meet the 2010 model year emissions equivalent engine requirement by replacing the engine or vehicle with one with a 2010 model year engine or later, retrofitting the engine with a VDECS that achieves 2010 model year equivalent emissions, or by replacing a vehicle with one that has a future compliance deadline. Fleets may alternatively choose to comply using the phase-in option of section 2025(i) or as specified in 2025(g)(3) below.

(1) Starting January 1, 2012, all vehicles in the fleet with a GVWR greater than 26,000 lbs must meet PM BACT and upgrade to a 2010 model year emissions equivalent engine pursuant to the schedule set forth in Table 2 below.

Table 2: Compliance Schedule

*by Engine Model Year
for Vehicles with GVWR greater
than 26,000 lbs*

<i>Engine Model Year</i>	<i>Compliance Date</i>	<i>Compliance Date</i>
	<i>Install PM Filter by</i>	<i>2010 Engine by</i>
1993 & older	N/A	January 1, 2015
1994 - 1995	N/A	January 1, 2016
1996 - 1999	January 1, 2012	January 1, 2020
2000 - 2004	January 1, 2013	January 1, 2021
2005 - 2006	January 1, 2014	January 1, 2022
2007 or newer	January 1, 2014 if not OEM equipped	January 1, 2023

(2) A 2007 model year emissions equivalent engine complies with the BACT requirements until January 1, 2023.

(3) From January 1, 2012 until January 1, 2014, any fleet may optionally choose to meet PM BACT according to the following:

(A) 2003-2004 model year engines and 1993 model year and older engines by January 1, 2012.

(B) 2005-2006 model year engines and 1994-1999 model year engines by January 1, 2013.

(C) All engines by January 1, 2014.

(D) After January 1, 2014, this option expires and the fleet must comply with general requirements of section 2025(e).

(E) Fleet owners choosing this option must comply with the reporting and record keeping requirements of sections 2025(r) and (s).

(4) Any engine that meets PM BACT prior to January 1, 2014, does not have to be upgraded to a 2010 model year emissions equivalent engine until January 1, 2020 at which time it must be in compliance with the schedule set forth in Table 2 above. To use the exemption, fleet owners choosing this option must comply with the reporting and

record keeping requirements of sections 2025(r) and (s) by January 31, 2014 for the vehicles that meet PM BACT.

(5) Fleets may utilize the exemptions and extensions of sections 2025(p) and 2025(m).

(6) Fleets may use the extension based on the unavailability of highest level VDECS of section 2025(p)(9) for 1996 model year or newer engines.

(h) Small Fleet Compliance Option

In lieu of initially complying with the schedule set forth in Table 2 of section 2025(g), a fleet with a fleet size of one to three vehicles with a GVWR greater than 14,000 lbs may alternatively comply with the phase-in schedule to meet PM BACT as specified below for the vehicles in the fleet with a GVWR greater than 26,000 lbs from January 1, 2014 to January 1, 2016. Fleets must comply with the record keeping requirements of section 2025(s) starting January 1, 2012 and must meet the reporting requirements as specified below to utilize this option.

(1) Vehicles within the fleet shall meet PM BACT pursuant to the following schedule:

(A) One vehicle by January 1, 2014.

(B) Two vehicles by January 1, 2015.

(C) Three vehicles by January 1, 2016.

(2) Vehicles that meet PM BACT are exempt from meeting the 2010 model year emissions equivalent engine requirements until January 1, 2020.

(3) Fleets with 1996-1999 model year engines must comply with the reporting requirements of section 2025(r) starting January 31, 2012.

(4) Fleets with 2000-2004 model year engines must comply with the reporting requirements of section 2025(r) starting January 31, 2013.

(5) All fleet owners must comply with the reporting requirements of sections 2025(r) by January 31, 2014.

(6) Beginning January 1, 2020, all vehicles in the fleet must comply with the 2010 model year emissions equivalent engine requirements by engine model year as set forth in Table 2 of section 2025(g).

(7) This option is not available to divisions within a company or subsidiaries under common ownership and control that have a combined fleet size greater than three.

(8) Fleets using this option may also utilize the exemptions and extensions in section 2025(m) and 2025(p).

(9) Fleets may use the extension based on the unavailability of highest level VDECS of section 2025(p)(9) for all engine model years in the fleet.

(i) Phase-in Option

In lieu of initially complying with the schedule set forth in Table 2 of section 2025(g), fleets may alternatively comply with the phase-in schedule of this subsection for the vehicles in the fleet with a GVWR greater than 26,000 lbs from January 1, 2012 to January 1, 2016.

(1) Beginning January 1, 2012, fleets electing this option must meet the PM BACT requirements pursuant to the schedule set forth in Table 3 below and then comply with the requirements of section 2025(g) starting January 1, 2020.

*Table 3: Phase-in
Compliance Schedule
for Vehicles with
GVWR greater than
26,000 lbs*

<i>Compliance Date</i>	<i>Percent of Fleet Complying with PM BACT</i>
<i>as of January 1</i>	
2012	30%
2013	60%
2014	90%
2015	90%
2016	100%
2020	All vehicles must comply with section 2025(g)

(2) If the calculated number of engines required to be brought into compliance with the percentage limits is not equal to a whole number, the owner shall round up to a whole number when the fractional part of the required number of engines is equal to or greater than 0.5, and round down if less than 0.5.

(3) Vehicles in which public funds contributed to the purchase of the vehicle, repower of the engine, or retrofit of the engine must not be included when determining compliance with PM BACT, unless allowed by the funding program guidelines applicable to the particular source of public funds used for the purchase, nor shall the engine be included in the total fleet for purposes of determining the percent complying with PM BACT.

(4) To utilize this option, fleet owners must comply with the reporting and record keeping requirements of sections 2025(r) and 2025(s) beginning January 31, 2012.

(5) Fleets complying with this option may also use the credits of section 2025(j), the agricultural provisions of section 2025(m), and the exemptions, delays, and extensions of sections 2025(p).

(6) Fleets may use the extension based on unavailability of highest level VDECS of section 2025(p)(9) for all engine model years.

(j) Credits for Fleets that have Downsized, Early PM Retrofits, Hybrid Vehicles, Alternative Fueled Vehicles, Vehicles with Heavy-Duty Pilot Ignition Engines, and Early Addition of Newer Vehicles

Fleets can take advantage of credits that reduce the number of vehicles with a GVWR greater than 26,000 lbs that must meet the PM BACT requirements in the phase-in option of section 2025(i) as described in subsections (1) to (3) below. These credits do not apply to school buses.

(1) Credit for Fleets that have Downsized

Until January 1, 2016, a fleet that has fewer vehicles with a GVWR greater than 26,000 lbs operating in the compliance year than in the 2006 baseline fleet may claim a credit towards compliance with the phase-in option of section 2025(i) for that year.

(A). The fleet owner may reduce the percent requirement in Table 3 of section 2025(i) by the same percent that the fleet was downsized. For example, a fleet that has 20 percent fewer vehicles operating in 2006 would be able to subtract 20 percent from the annual compliance requirement. That is, if the compliance requirement for the year is 30 percent, the fleet would only need to demonstrate that 10 percent of the existing fleet ($30\% - 20\% = 10\%$) met PM BACT.

(B) A vehicle that is not operated in the compliance year may be excluded from the existing fleet in determining the credit if:

1. The vehicle is not driven for the entire compliance year and

a. Either a certificate of non-operation has been issued by the DMV or a request for a non-operation certificate has been filed with DMV prior to the beginning of the compliance year; or

b. An equivalent certificate has been issued by another state or a request for such a certificate has been filed with another state prior to the beginning of the compliance year; or

c. The vehicle is not operated for any purpose during the compliance year except to demonstrate functionality of the vehicle to potential buyers, to move the vehicle short distances for maintenance, or to a storage facility while awaiting sale.

(C) The fleet utilizing this provision must comply with the reporting requirements of section 2025(r)(12) for low-use vehicles and report information for all vehicles in the 2006 baseline fleet pursuant to section 2025(r)(13).

(D) For purposes of determining the credit, all vehicles in the scope and applicability of section 2025(b), except school buses, must be included in calculating the number of vehicles in the 2006 baseline fleet and in the fleet during the compliance year and all vehicles exempt from the regulation in section 2025(c) must be excluded. The number of vehicles calculated at the beginning of the compliance year will include vehicles that are partially paid for by state funds, all drayage trucks, and all on-road vehicles that are now subject to the title 13, section 2449.

(2) A fleet shall receive a credit to treat another vehicle with a GVWR greater than 26,000 lbs as meeting the PM BACT requirements of section 2025(i) until January 1, 2017 as described below in 2025(j)(2)(A) to 2025(j)(2)(C).

(A) Credit for Early PM Retrofit

A credit will be granted for each vehicle, with a GVWR greater than 14,000 lbs, that is equipped with the highest level VDECS for PM by July 1, 2011. The fleet may receive a credit for each vehicle for which the highest level VDECS has been ordered and paid for, or for which at least a 20 percent deposit has been paid, by May 1, 2011 and the VDECS is installed by October 1, 2011. The fleet owner must meet the reporting requirements of section 2025(r)(13) by January 31, 2012 to claim the credit and must meet the record keeping requirements of 2025(s) to document the VDECS purchase and installation.

(B) Credit for Hybrid Vehicles, Alternative Fueled Vehicles, and Vehicles with Heavy-Duty Pilot Ignition Engines

Credit will be granted for each vehicle with a GVWR greater than 26,000 lbs that is a fuel efficient hybrid vehicle, an alternative fueled vehicle, or a vehicle powered by a heavy-duty pilot ignition engine that is added to the fleet before January 1, 2017. The fleet owner must meet the reporting and record keeping requirements of section 2025(r) and 2025(s) for the vehicle by January 31 of the compliance year to use the credit. Vehicles with a GVWR between 14,000 lbs and 26,000 lbs may also earn a credit if added to the fleet prior to July 1, 2011. Information required by section 2025(r) and the date the vehicle was added to the fleet must be reported by January 31, 2012. Record keeping information must be maintained as required by section 2025(s). Any alternative fueled engine or vehicle powered by a heavy-duty pilot ignition engine must be counted when determining the number of vehicles in the fleet.

(C) For the same owner, excess PM VDECS credits granted in the Off-road regulation (title 13, CCR, section 2449) may be used in the Truck and Bus regulation and excess PM VDECS credits granted in the Truck and Bus regulation may be used in the Off-road regulation until January 1, 2017. Starting January 1, 2017 no credits may be transferred between the regulations.

1. Excess PM VDECS credits earned in the Truck and Bus regulation will be determined for each compliance year. The annual excess PM VDECS credits are determined by counting the number of Level 3 PM VDECS filters and 2007 model year and newer engines that meet PM BACT in the fleet that exceed the minimum number required to meet the PM BACT percentage of section 2025(i) without accounting for the credits specified in sections 2025(j)(2)(A), 2025(j)(2)(B), and 2025(j)(3). The number of excess PM VDECS credits cannot exceed the number of Level 3 retrofit VDECS in the fleet.

Excess PM VDECS credits can be used in the Off-Road regulation according to section (title 13, CCR, section 2449.1(b)).

2. For each compliance year, excess PM VDECS credits earned in the Off-road regulation may be applied as a credit that would treat another vehicle with a GVWR greater than 26,000 lbs in the Truck and Bus regulation section 2025 as compliant in the compliance year when determining compliance with the phase-in option of section 2025(i).

3. Fleets must meet the reporting requirements of section 2025(r)(27) to utilize excess PM VDECS credits.

(3) Credit for Early Addition of Newer Vehicles

The fleet shall receive credit for the addition of a vehicle that has a propulsion engine that is equipped with an OEM diesel particulate filter before January 1, 2012 if the average age of the propulsion engines in the fleet is newer than it was in 2006. Until January 1, 2017, the credit can be applied towards meeting the PM BACT requirements of the phase-in option of section 2025(i).

(A) The credit is a percentage that will be calculated as 5 times the difference in the average age of the 2006 baseline fleet and the average age of the fleet in the compliance year, where:

1. The average age of the fleet in 2006 is calculated as 2007 minus the average of the engine model years in the 2006 baseline fleet.

2. For vehicles that were in the 2006 baseline fleet and are no longer in the fleet as of January 1, 2012, the vehicle model year minus 0.5 will be used in lieu of the engine model year, unless the fleet has documentation demonstrating the engine model year and engine family.

3. The fleet owner may retain the credit after 2012 if the fleet average age stays the same or newer than it was on January 1, 2012, otherwise the credit will be recalculated.

4. Vehicles that use the exemption for low-use vehicles of 2025(p)(4) shall be excluded in determining the credit.

(B) The credit cannot exceed the percentage of the fleet that has 2007 model year or newer engines that meet PM BACT.

(C) The credit shall reduce the PM BACT requirement of the phase-in option in section 2025(i) for the applicable compliance year.

(D) The fleet owner must meet the reporting and record keeping requirements of section 2025(r) and (s) by January 31, 2012.

(4) Credits specified in sections 2025(j)(1) through 2025(j)(3) will not be given for vehicles that were purchased by the fleet or retrofitted to comply with any other California in-use regulation. Credits will also not be given for partially state funded vehicle replacements or retrofits according to the funding program guidelines applicable

to the particular source of public funds used for the purchase. Credits are only valid for as long as the vehicle for which the compliance action has been taken remains operational in the fleet or if replaced within 30 days with a vehicle equipped with an engine that meets PM BACT and is at least one model year newer.

(5) Credits are not transferrable except with appropriate documentation of a change of business form approved by the Executive Officer such as sole proprietorship to partnership, partnership to corporation, mergers or acquisitions of the entire company and fleet of vehicles, or for changes such as from estate tax or inheritance tax planning.

(k) Requirements for School Buses

This subsection applies to diesel-fueled school buses as defined in section 2025(d)(53) with a GVWR greater than 14,000 lbs.

(1) Phase-in Requirements for School Buses

Fleets with school buses manufactured on or after April 1, 1977 must comply with PM BACT as defined in section 2025(d)(48), pursuant to the schedule set forth in Table 5 below.

*Table 5: Compliance
Schedule for School
Buses*

<i>Compliance Deadline</i>	<i>Percent of Fleet Complying with PM BACT</i>
<i>as of January 1</i>	
2012	33%
2013	63%
2014	100%

(2) Credit for School Bus Fleets that have Downsized

(A) Until January 1, 2014, a fleet having fewer school buses on January 1 of the compliance year than it had in the 2006 baseline year may reduce the percent requirement in Table 5 by the same percentage that the fleet has downsized.

For example, a fleet that is 20 percent smaller than it was in 2006 would subtract 20 percent from the annual compliance requirement. If the compliance requirement for the year is 33 percent, the fleet would need to demonstrate that it had PM filters on the 13 percent of the existing fleet (33%-20%=13%).

(B) The credits are not transferrable except with appropriate documentation of a change of business form such as sole proprietorship to partnership or partnership to corporation, or for mergers or acquisitions of the entire company and fleet.

(3) Credits for Hybrid School Buses, Alternative Fueled School Buses, Electric School Buses, and School Buses with Pilot Ignition Engines

Fleets with fuel efficient hybrid school buses, alternative fueled school buses, electric school buses, or school buses with pilot ignition engines shall receive a credit to treat another school bus in the fleet as compliant until January 1, 2014. A school bus with a dual-fuel engine is not eligible. This credit is not available for school buses that were purchased or retrofitted to comply with any other California in-use regulation. This credit is not available if state funds were used to partially or totally replace or retrofit any school bus unless allowed by the guidelines of the program that funded the bus replacement or retrofit.

(4) Extension of Deadline for Unavailability of VDECS

If a school bus engine cannot be equipped with the highest level VDECS for PM the school bus owner must:

(A) Record and submit to the Executive Officer the information listed in section 2025(k)(4)(B) through (E) by January 31 of the applicable compliance year through January 31, 2017. By January 1, 2018, this extension expires and all school buses using this extension must be replaced with vehicles that are equipped with a 2010 model year emissions equivalent engine or with one that complies with the BACT compliance schedule (i.e., a 1998 model year engine or newer school bus equipped with the highest level VDECS for PM).

(B) Describe the reasons that a compliance extension is needed for each engine or engine-vehicle combination annually.

(C) If during the warranty period the VDECS would void the engine warranty, provide a statement from the engine manufacturer, authorized engine dealer, or vehicle dealer that explains why the warranty would be voided.

(D) If no verified VDECS is commercially available, provide a list of VDECS manufacturers that have been contacted and the manufacturers' responses to your requests to purchase a VDECS from them.

(E) If a verified VDECS is commercially available, but the VDECS manufacturer or an authorized VDECS installer does not deem the VDECS to be technologically feasible for the school bus, provide a statement from the VDECS manufacturer or authorized VDECS installer.

(5) Low-use School Buses

(A) School buses operating fewer than 1,000 miles during any compliance year are exempt from the requirements of section 2025(k), but fleet owners must comply with the record keeping requirements of section 2025(s)(3). Such vehicles must have a properly functioning odometer installed at all times.

(B) A fleet owner of a school bus that exceeds 1,000 miles in any compliance year must immediately count the school bus as part of the fleet, bring the fleet into compliance with the requirements of section 2025(k) in the current compliance year, and notify the Executive Officer of the change in status within 30 days of exceeding the mileage limit.

(6) Any school bus manufactured before April 1, 1977, must be retired from service no later than January 1, 2012.

(7) Title 13, CCR, section 1272(c) requires that a school bus that has been retrofitted with a VDECS must receive a safety inspection from an authorized employee of the department of the California Highway Patrol, prior to its return to service.

(8) School buses that were equipped on or before December 31, 2005, with a Level 2 VDECS, which was highest level VDECS at the time of installation, are considered in compliance with PM BACT.

(9) Section 2025(c)(9) exempts school buses meeting the definition in section 2025(d)(36) of a historic vehicle.

(10) Owners of school buses are subject to the record keeping requirements in section 2025(s)(3).

(11) Owners of school buses are subject to the applicable requirements of sections 2025(t) through 2025(z).

(12) Owners of school buses have the option to delay the requirement to meet PM BACT for 1988-1993 model year engine school buses until January 1, 2014.

(l) Requirements for Drayage Trucks and Utility Vehicles

(1) Drayage trucks that are subject to the Drayage Truck regulation may be included in the fleet for purposes of determining compliance with the PM BACT requirements of the phase-in option in section 2025(i) only if all drayage trucks in the fleet are included.

(2) Starting January 1, 2023, all drayage truck owners must comply with the requirements of section 2025(e).(3) Drayage trucks may not be used to earn additional credits in section 2025(j) or exemptions and extensions in section 2025(p).

(4) Starting January 1, 2021, all private utility vehicle owners must comply with the requirements of section 2025(e).

(m) Requirements for Agricultural Fleets

Beginning January 1, 2011, agricultural vehicles shall be exempt from the requirements of sections 2025(f), 2025(g), 2025(h) or 2025(i) if they meet the definition of an agricultural vehicle and remain below the applicable annual mileage limits for the period specified. Vehicles meeting the specialty vehicle definition would have no mileage restrictions. Fleets must comply with the reporting and record keeping requirements of sections 2025(r) and 2025(s).

(1) Beginning January 1, 2011 through January 1, 2017, any vehicle meeting the definition of an agricultural vehicle, as defined in section 2025(d)(5), that remains below the annual mileage limits in Table 6 below are exempt from the requirements of section 2025(f) and (g).

Table 6:

<i>Agricultural</i>	
<i>Vehicle</i>	
<i>Annual</i>	
<i>Mileage Limits</i>	
<i>Engine</i>	<i>Annual</i>
<i>Model</i>	<i>Mileage</i>
<i>Year</i>	<i>Limits</i>
1995	15,000
and	miles
earlier	
1996-	20,000
2005	miles
2006	25,000
or	miles
newer	

(2) Agricultural vehicles that have not exceeded 10,000 miles per year in a calendar year between January 1, 2011 and January 1, 2017, shall continue to be exempt from the requirements of 2025(f) and (g) until January 1, 2023, so long as they do not exceed 10,000 miles in a calendar year.

(3) By January 1, 2017, all agricultural vehicles that have exceeded 10,000 miles in any calendar year since January 1, 2011, must comply with the best available control technology (BACT) requirements of section 2025(f) and (g).

(4) A qualifying agricultural vehicle must be operational, functional, able to start without assistance, and be able to move under its own power. Vehicles that are being used for parts do not qualify as an agricultural vehicle subject to section 2025(m).

(5) Within 30 days of replacing a qualifying agricultural or specialty agricultural vehicle, the agricultural fleet owner must report the required information in section 2025(r)(14)(l).

(6) The maximum number of qualifying agricultural vehicles in a fleet shall be established by the number of agricultural vehicles in the fleet as of January 1, 2009, as reported in section 2025(r)(14). This number shall not increase from one year to the next.

(7) An agricultural vehicle may be replaced by another vehicle so long as the replacement vehicle is equipped with an engine that is at least one model year newer than the engine in the vehicle that it replaced and the original vehicle is scrapped, rendered inoperable, sold out of the agricultural fleet, or no longer meets the definition of an agricultural or specialty agricultural vehicle. The replacement vehicle must be reported within twelve months of the vehicle being replaced or by January 31 of following compliance year whichever is longer. This requirement does not apply if just the engine is being replaced and not the entire vehicle.

(8) When a qualifying agricultural vehicle is replaced, the sum of the miles accrued on the original vehicle in that calendar year, up to the time of replacement, plus the mileage accrued on the replacement vehicle for the remainder of the calendar year (beginning with the date of replacement) must remain below the mileage thresholds based on the model year of the engine in the replacement vehicle.

(9) A merger of two or more agricultural fleets may not result in more agricultural vehicles after the merger occurs than the sum of the agricultural vehicles in the individual agricultural fleets included in the merger.

(10) The agricultural vehicle exemptions are not transferrable except with appropriate documentation of a change of business form approved by the Executive Officer such as sole proprietorship to partnership, partnership to corporation, mergers or acquisitions of the entire company and fleet of vehicles, or for changes such as from estate tax or inheritance tax planning.

(11) Requirements for specialty agricultural vehicles

(A) Specialty agricultural vehicles, as defined in section 2025(d)(54), are exempt from the requirements of sections 2025(f), 2025(g), 2025(h) and 2025(i), until January 1, 2023.

(B) The Executive Officer will approve a vehicle as qualifying as a specialty agricultural vehicle under the following conditions:

1. The total number of specialty agricultural vehicles operating in the San Joaquin Valley Air Basin does not exceed 1,100, and
2. The total number of specialty agricultural vehicles in the state does not exceed 2,200.

(C) If more vehicles are reported than allowed by the limits, the Executive Officer will randomly approve one vehicle per eligible fleet until all fleets have one approved vehicle, then randomly approve another vehicle for the remaining eligible fleets until they all have one more vehicle approved. Vehicles will continue to be approved in this manner until the limits have been met. Vehicles reported by March 31, 2010, will be given priority should the limits identified in section 2025(m)(11)(B) above be exceeded.

(D) All vehicles with the body types described in section 2025(d)(54) that have not been approved must meet the requirements of section 2025(e) or the agricultural provisions of section 2025(m).

1. In such an instance, the agricultural fleet operator shall be notified in writing by the Executive Officer that the reported vehicle is not eligible as a specialty agricultural vehicle.

(E) A fleet that replaces an agricultural specialty vehicle will not affect the number of approved specialty vehicles in the fleet so long as the replacement vehicle meets the specialty vehicle body type and use requirements.

(12) Optional Phase-in for Log Trucks

Beginning January 1, 2012, fleets with log trucks as defined in section 2025(d)(39) may opt to have the log trucks in the fleet comply by meeting all of the requirements as set forth below in lieu of meeting the requirements in sections 2025(g) or 2025(i) and may

not use a different compliance option for the fleet of log trucks identified as utilizing this option.

(A) Fleet owners may phase in 2010 model year emission equivalent engines according to the compliance schedule shown in Table 7.

(B) If the calculated number of engines required to be brought into compliance with the percentage limits is not equal to a whole number, the owner shall round up to a whole number when the fractional part of the required number of engines is equal to or greater than 0.5, and round down if less than 0.5.

(C) The number of log trucks and qualifying agricultural vehicles cannot exceed the number of vehicles in the fleet as of January 1, 2009.

(D) The total number of qualifying log trucks cannot increase from one year to the next.

(E) Fleets utilizing the optional phase-in for log truck provision must comply with the reporting requirements of section 2025(r) for all log trucks.

(F) Qualifying log trucks may not utilize any of the credits of section 2025(j) or any of the extensions or exemptions of section 2025(p).

(G) The remaining vehicles in the fleet other than the log trucks using the log truck phase-in option, must comply with the requirements of section 2025(e).

*Table 7: Compliance
Schedule for the Log
Truck Phase-in Option*

<i>Compliance Deadline as of January 1</i>	<i>Percent of Total Fleet with 2010 Model Year Emissions Equivalent Engines</i>
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2012	0%
2013	0%
2014	10%
2015	20%
2016	30%
2017	40%
2018	50%
2019	60%
2020	70%
2021	80%
2022	90%
2023	100%

(13) Labeling Requirements for Agricultural Vehicles and Log Trucks

(A) Within 30 days of the reporting date, fleet owners must permanently affix or paint an identification label on each vehicle that utilizes the agricultural provision or the log truck phase-in option of section 2025(m) according to the following specification:

1. The letters AG shall be white block lettering on a black background. Both letters shall be at least three inches high on a five by eight inch background,
2. The label shall be located on the left and right door of the vehicle and in clear view at all times.

(n) Requirements for Single-Engine and Two-Engine Sweepers

(1) Two-engine sweepers with auxiliary engines 50 hp or greater must comply with section 2025(e). The propulsion engine is required to meet PM BACT and to upgrade to a 2010 model year emissions equivalent engine like other vehicles, and the auxiliary engines must meet PM BACT as follows:

(A) The auxiliary engine is required to meet PM BACT when the propulsion engine is first required to meet PM BACT or to be upgraded to a 2010 model year emissions equivalent. The auxiliary engine is not required to be replaced or upgraded if it meets PM BACT. The reporting requirements of 2025(r)(17) must be met unless the fleet complies with the model year schedules of 2025(f) or 2025(g).

(2) Regardless of fleet size, two-engine sweepers with Tier 0 auxiliary engines, 50 hp or greater, may not operate more than 450 hours per year starting January 1, 2010 until January 1, 2014 and no more than 100 hours per year thereafter. The fleet owner must meet the reporting requirements in 2025(r)(17) for sweepers with Tier 0 auxiliary engines.

(3) Labeling Requirements for Two-Engine Sweepers with Tier 0 Auxiliary Engines

(A) Within 30 days of the reporting date, fleet owners must permanently affix or paint an SW identification label on each two engine sweeper that has a Tier 0 auxiliary engine according to the following specification:

1. The letters SW shall be white block lettering on a black background. Both letters shall be at least three inches high on a five by eight inch background; and
2. The label shall be located on the left and right door of the vehicle and in clear view at all times.

(4) For purposes of determining the downsizing credit of section 2025(j)(1), fleets with street sweepers may also include all single-engine and two-engine street sweepers with a GVWR from 14,001 lbs to 26,000 lbs in the 2006 baseline fleet and in the fleet for the compliance year. To use this option the fleet must meet the same reporting and record keeping requirements for these lighter street sweepers as is required for heavier vehicles.

(o) Requirements for a New Fleet and Changes in an Existing Fleet

(1) New Fleet Requirements. Owners of new fleets must meet the requirements of section 2025(e) immediately upon purchasing vehicles subject to the regulation or bringing such vehicles into the State of California for the first time after January 1, 2012. New fleets meeting the requirements of sections 2025(h) or 2025(i) must report vehicles subject to the regulation to ARB within 30 days of purchasing or bringing such vehicles into the State, in accordance with the requirements in section 2025(r).

(2) Changes in an Existing Fleet

(A) Adding Vehicles to an Existing Fleet. Unless the vehicle is a 2007 model year or newer engine that meets PM BACT, a fleet may not operate a newly added vehicle or operate a vehicle that was previously reported as non-operational in California, unless the fleet as newly constituted complies with the requirements of section 2025(e) and must within 30 days of adding the vehicle, file a report with the Executive Officer that it has added a new vehicle, and demonstrate that the fleet, as newly constituted, complies with the requirements of section 2025(o)(2)(C) below. If the vehicle added can comply by meeting PM BACT, the vehicle may be operated within 30 days of adding the vehicle to the fleet, solely for the purpose of having the vehicle's exhaust temperature data logged.

(B) Removing Vehicles from an Existing Fleet. If an existing fleet owner meets the requirements of the compliance options other than that of section 2025(f) or 2025(g) when a vehicle is removed from the fleet, it must file a report with the Executive Officer that it has removed a vehicle and demonstrate that the fleet, as newly constituted, will comply with the requirements of section 2025(o)(2)(C) within 30 days of removal of the vehicle.

(C) Compliance Requirements for an Existing Fleet that has Changed

1. A fleet owner who elects to utilize the phase-in option of section 2025(i) or uses the extensions, delays, and extensions of section 2025(p) may not add or remove vehicles that cause the percentage calculated for the fleet to fall below the percentage required for the previous compliance date.

2. The addition of vehicles with 2007 or newer model year engines that meet PM BACT need not be reported until the next compliance date unless;

a. the addition will cause a fleet to increase its size to greater than three vehicles; or

b. a fleet is utilizing the credit for fleets that have downsized of section 2025(j)(1).

3. A fleet owner of a vehicle that formerly qualified for any of the compliance extensions or exemptions granted in section 2025(p) but whose status has changed so that it no longer meets the applicable definition, must immediately bring the fleet into compliance with requirements of section 2025(e) for the immediately preceding compliance date, and must notify the Executive Officer of the change in status within 30 days from the date of the change.

(p) Exemptions, Delays, and Extensions

(1) Vehicles used Exclusively in NOx Exempt Areas

This subsection applies to vehicles that are used exclusively in NOx exempt areas as defined in section 2025(d)(46) when operating in California. The fleet owner must meet the record keeping requirements of section 2025(s) and meet the reporting requirements as specified below.

(A) Any vehicle with a GVWR greater than 14,000 lbs that is used exclusively in NOx exempt areas shall meet PM BACT but be exempt from meeting the 2010 model year emissions equivalent requirements of section 2025(f) or 2025(g) if the vehicle meets PM BACT by the compliance date that the engine would otherwise be required to be upgraded to a 2010 model year emissions equivalent engine.

1. The fleet owner must report information about the vehicle to demonstrate the engine has met PM BACT as specified in section 2025(r) but does not need to report after the initial reporting, as long as the vehicle continues to meet the requirements for the exemption, and;
2. The fleet owner must either meet the electronic tracking and reporting requirements or the vehicle labeling requirements as specified in section 2025(p)(1)(C).

(B) Until January 1, 2014, vehicles with a GVWR greater than 26,000 lbs that are used exclusively in NOx exempt areas shall be exempt from meeting the requirements of section 2025(g), 2025(h) or 2025(i) and must be brought into compliance with PM BACT from 2014 to 2016 as follows:

1. The fleet of vehicles with a GVWR greater than 26,000 lbs that operate exclusively in the NOx exempt areas, except for low-use vehicles, must meet the following phase-in schedule set forth in Table 8 below. Rounding will be done by the same method as described for the phase-in option of section 2025(i)(2).

*Table 8: Compliance
Schedule for NOx
Exempt Area Fleets*

<i>Compliance Deadline, as of January 1</i>	<i>Percent of Fleet Complying with PM BACT</i>
2014	33%
2015	66%
2016	100%

2. The fleet owner must meet the reporting requirements of section 2025(r) to use this compliance exemption, and must either meet the electronic tracking and reporting requirements or meet the vehicle labeling requirements as specified in section 2025(p)(1)(C) for any vehicle that uses the exemption.
3. The fleet owner must meet the reporting requirements of section 2025(r) for all the vehicles in the fleet.

4. After the fleet owner reports compliance with PM BACT for every vehicle in the fleet, reporting is no longer required for the NOx exempt area vehicles.
5. Beginning January 1, 2020, all vehicles must comply with the requirements of section 2025(g) except for vehicles that meet the requirements for an exemption as specified in section 2025(p)(1)(A) above.
6. Fleet owners may use the extension of section 2025(p)(9) for any vehicle that operates exclusively in the NOx exempt areas if the highest level VDECS is unavailable.

(C) For each compliance year the exemptions are used, the fleet owner must meet the electronic tracking and reporting requirements of section 2025(r)(16)(A)2., or must label the vehicle by permanently affixing or painting an identification label on the vehicle according to the following specification:

1. The letters NE shall be white block lettering on a black background. Both letters shall be at least three inches high on a five by eight inch background.
2. The label shall be located on the left and right door of the vehicle and in clear view at all times.

(D) Vehicles that use the NOx exempt areas exemptions may travel outside of the designated NOx exempt areas only for repairs or other services to the vehicle. The vehicle owner must obtain a work order from the facility that describes the service and it must show the date of the service and the location of the facility.

(2) Extension for Low-Mileage Construction Trucks

Beginning January 1, 2012, fleets with low-mileage construction trucks as defined in section 2025(d)(40) may opt to have a limited number of low-mileage construction trucks in the fleet comply by meeting all of the requirements as set forth below and do not need to include such vehicles in meeting the fleet requirements of sections 2025(g) through (i).

(A) Beginning, January 1, 2012, up to ten low-mileage construction trucks in the fleet may use the extension. Fleets electing this option must meet the PM BACT requirements for the qualifying low-mileage construction trucks pursuant to the schedule set forth in Table 9, and then comply with the requirements of section 2025(g) starting January 1, 2020. Rounding will be done by the same method as described for the phase-in option of section 2025(i)(2).

(B) A one truck owner with a low-mileage construction truck must meet PM BACT by January 1, 2016.

(C) If fewer than 9,000 trucks use the extension in 2012, then the Executive Officer will approve additional trucks for the extension by approving one additional extension per fleet owner in a series of rounds until 9,000 trucks have been identified as using the extension. A random selection process will be used to assign extensions that cannot be distributed equally among fleet owners.

Table 9: Compliance

<i>Schedule for Fleets with Low-Mileage Construction Trucks</i>	
<i>Compliance Deadline,</i>	<i>Percent of Fleet Complying with PM</i>
<i>as of January 1</i>	<i>BACT</i>
2014	33%
2015	66%
2016	100%

(D) Fleets that have low-mileage construction trucks and other vehicles with a GVWR greater than 26,000 lbs, except low-use vehicles, must demonstrate that the combined fleet meets the phase-in schedule of Table 9 and, if so, the low-mileage construction vehicles in the fleet qualifying for the extension under sections 2025(p)(2)(A) and (C) above may delay having to comply with PM BACT until as late as 2016.

(E) Fleets may use the extension based on unavailability of highest level VDECS of section 2025(p)(9) for low-mileage construction trucks.

(F) Fleet owners using this provision must comply with the reporting and record keeping requirements of sections 2025(r) and (s) beginning January 31, 2012.

(G) A low-mileage construction truck that has been approved for the extension may be replaced by another truck and continue to qualify for the extension if the replacement truck has a 1996 model year or newer engine, and the miles traveled after it is placed in service combined with the miles traveled by the original vehicle stays below the annual mileage threshold. The replacement vehicle must be placed in service within one year of removing the original vehicle from the fleet or by the next compliance date, whichever is longer.

(H) Labeling Requirements for Low-Mileage Construction Trucks

1. By January 31, 2012, fleet owners must affix or paint an identification label on up to ten low-mileage construction trucks and within thirty days after notification that any additional trucks have been approved as follows:

a. The letters CT shall be white block lettering on a black background. Both letters shall be at least three inches high on a five by eight inch background.

b. The label shall be located on the left and right door of the vehicle and be in clear view at all times.

(I) Low-mileage construction truck exemptions are not transferrable except with appropriate documentation of a change of business form approved by the Executive Officer such as sole proprietorship to partnership, partnership to corporation, mergers or acquisitions of the entire company and fleet of vehicles, or for changes such as from estate tax or inheritance tax planning.

(3) Unique Vehicle Extension - Until January 1, 2017 the fleet owner may apply for, and the Executive Officer will grant, a single one year extension from the requirement to upgrade to a 2010 model year emissions equivalent engine in section 2025(f) and 2025(g) if by January 1, 2014, a VDECS was not available for the engine and a used vehicle or suitable cab and chassis that performs a similar function with a 2010 emissions equivalent engine is not available 6 months prior to the 2010 emissions equivalent engine compliance date. For the extension to be considered the fleet must apply for the extension 4 months prior to the compliance date that the engine is required to upgrade to a 2010 model year emissions equivalent engine.

(4) Exemption for Low-Use Vehicles.

(A) Low-use vehicles as defined in section 2025(d)(41) are exempt from the requirements of section 2025(e) but the owner must meet reporting and record keeping requirements in accordance with sections 2025(r)(12) and 2025(s).

1. To be considered a low-use vehicle, the fleet owner must submit engine operation data from a properly functioning odometer or hubodometer and non-resettable hour-meter.

2. A vehicle is also considered to be a low-use vehicle if it is not driven for the entire compliance year and either a planned non-operation certificate or a certificate of non-operation has been filed with the DMV or, an equivalent certificate has been filed with another state prior to the beginning of the compliance year. The vehicle must not be operated for any other purpose during the compliance year except to demonstrate functionality of the vehicle to potential buyers, to move the vehicle short distances for maintenance, or to a storage facility while awaiting sale.

3. Low-use vehicles need not be included when determining compliance with the small fleet compliance option of section 2025(h) or the phase-in option of section 2025(i).

(B) Vehicles used both as an emergency support vehicle as defined in section 2025(d)(23), and for other purposes, do not need to consider the hours of operation or mileage the vehicle accrues when used for emergency operations in determining whether the vehicle meets the definition of a low-use vehicle but the fleet owner must report information about the emergency hours of operation or mileage as specified in section 2025(r)(15).

(C) Vehicles that formerly met the low-use vehicle definition, but whose use increases above the specified limits, must immediately be brought into compliance as specified in section 2025(o)(2)(C)3.

(5) Exemption for Vehicles Operating with a Three Day Pass

(A) Until January 1, 2021, a fleet owner that obtains a three-day pass for a vehicle will be allowed to operate one vehicle per calendar year in California without complying with section 2025(e) for the specified three day period per calendar year, provided the information required in section 2025(r)(19) is filed with the Executive Officer at least three days prior to the vehicle's planned use in California.

(B) A three-day pass must be obtained from the Executive Officer either online, email, or by fax. Prior to operating within California, the fleet must obtain written approval from the Executive Officer, which must be carried within the vehicle. The Executive Officer will make every effort to respond to the request within three business days from the receipt of the request. The Executive Officer shall grant the request so long as it is the first request made by the fleet in the calendar year. If the Executive Officer fails to respond to the request by the date of the vehicle's planned entry into the state, the vehicle may operate in California for the requested three-day period, but if the vehicle's operator fails to present documentation to ARB enforcement personnel, upon request, that it has filed a request for a three-day pass and qualifies to operate that specified vehicle in the state, the fleet may be cited and subject to penalties.

(6) Exemption for Vehicles Awaiting Sale - Vehicles in the possession of dealers, financing companies, or other entities that do not intend to operate the vehicle in California or offer the vehicle for hire for operation in California and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage, are exempt from all requirements in section 2025.

(7) Exemption for Vehicles Used Solely on San Nicolas or San Clemente Islands - Vehicles used solely on San Nicolas or San Clemente Islands are exempt from all requirements in section 2025. If the land use plans for the islands are changed to allow use by the general public of the islands, this exemption shall no longer be applicable.

(8) Compliance Extension for Emissions Control Device Manufacturer Delays - An owner who has purchased, or has entered into contractual agreement with the seller for the purchase, but has not received a VDECS, a replacement engine, or vehicle in order to comply with this regulation will be excused from immediate compliance if the VDECS or vehicles have not been received due to manufacturing delays as long as all the conditions below are met:

(A) The fleet owner who has purchased, or has entered into contractual agreement with the seller for the purchase, at least 4 months prior to the required compliance date, except in the case where a VDECS is ordered to replace a failed or damaged VDECS, the fleet owner has purchased, or has entered into contractual agreement with the seller for the purchase of a replacement VDECS within 60 days of the VDECS failure.

(B) The owner has identified the vehicle to be equipped with the VDECS or replaced upon receipt of the replacement VDECS or vehicle.

(C) Proof of purchase, such as a purchase order, down payment, or signed contract for the sale, including specifications for each VDECS, must be maintained by the owner and provided to an agent or employee of ARB upon request.

(D) The new or retrofitted vehicles are immediately placed into operation upon receipt and any replaced vehicles are removed from service within 30 days.

(E) Proof of the date that the new or retrofitted vehicles were placed into service and proof of the date that any replaced vehicles were removed from service must be maintained by the owner and provided to an agent or employee of ARB upon request.

(9) Extension of the PM BACT Compliance Deadline Based on Unavailability of Highest Level VDECS - If an engine that is required to meet PM BACT cannot be equipped with the highest level VDECS for PM, the Executive Officer may grant a one-year extension of the compliance deadline, which may be extended annually through January 1, 2017, based on an evaluation of information submitted pursuant to section 2025(r)(11) that the engine cannot be equipped with the highest level VDECS for PM provided that all other engines in the fleet are in compliance with the requirements for the compliance year. The request must be filed 4 months prior to the compliance deadline. By January 1, 2018, any vehicle that is not equipped with the highest level VDECS for PM must be replaced with a vehicle that meets PM BACT. The extension for unavailability of highest level VDECS applies to the auxiliary engines in two engine sweepers if the engine that provides motive power must meet PM BACT. By January 1, 2018, any auxiliary engine in a two engine sweeper with a GVWR greater than 26,000 lbs that is not equipped with the highest level VDECS for PM must be replaced with Tier 4 off-road engine or an engine that is equipped with the highest level VDECS for PM. The extension does not apply for engines that are required to meet the 2010 model year equivalent requirements.

(10) Extension for Meeting PM BACT by 2014. By January 1, 2014, if every vehicle in the fleet with a GVWR greater than 26,000 lbs is equipped with either a Level 3 VDECS for PM or a 2007 model year or newer engine that meets PM BACT, the vehicles shall be exempt from meeting the 2010 model year emission equivalent engine requirements until January 1, 2023.

(A) Fleet owners must meet reporting requirements of sections 2025(r) by January 31, 2014. The fleet will not need to report again after the initial reporting to retain the extension unless a vehicle or engine is replaced with one that has a 2006 model year or older engine.

(B) The fleet can retain the exemption if an engine or vehicle is replaced with another one that is equipped with a Level 3 VDECS or has a 2007 model year or newer engine that meets PM BACT. The fleet must report the fleet information in accordance with section 2025(o)(2).

(q) Special Provisions for VDECS and Experimental Diesel Emission Control Strategies

(1) VDECS Requirements

(A) VDECS Installation. Before installing a VDECS on a vehicle, the owner must ensure that:

1. The VDECS is verified for use on the engine and vehicle, as described in the Executive Order for the VDECS.
2. Use of the vehicle is consistent with the conditions of the Executive Order for the VDECS.
3. The VDECS is installed in a verified configuration.

4. The engine to be retrofitted must be in its original certified configuration, free of excess oil consumption, must not have malfunctioning fuel delivery systems, or any other mechanical condition that may impair the proper functioning of the VDECS.

5. The VDECS label will be visible after installation.

(B) VDECS Maintenance. If a fleet owner installs a VDECS to meet the requirements of section 2025(e), the VDECS must remain installed until the VDECS fails or is damaged or is replaced with a similar or higher level VDECS. Requirements for VDECS failure or damage are in section 2025(q)(2). The owner of a vehicle retrofitted with a VDECS must ensure that the VDECS and engine are properly maintained as recommended by the respective manufacturers.

(2) Failure or Damage of a VDECS

In the event of a failure or damage of a diesel emission control strategy, the following conditions apply:

(A) Failure or Damage During the Warranty Period. If a VDECS fails or is damaged within its warranty period, and the VDECS manufacturer or authorized dealer determines that it cannot be repaired, the owner must replace the VDECS with the same level or higher level VDECS for the vehicle within 90 days of the failure.

(B) Failure or Damage Outside of Warranty Period. If a VDECS fails or is damaged outside of its warranty period and cannot be repaired, and if the fleet could not meet an applicable target for the most recent compliance date without the failed VDECS, then within 90 days of the failure, the owner must replace the failed VDECS with the highest level VDECS available for the engine at time of failure.

(3) Fuel-Based Strategy VDECS

(A) If a fleet owner determines that the highest level VDECS for a large percentage of the fleet would be a Level 2 fuel verified as a diesel emission control strategy, and implementation of this VDECS would require installation of a dedicated storage tank, then the owner shall request prior approval from the Executive Officer to allow use of the Level 2 fuel-based strategy across its fleet.

(B) Waiver for Discontinuation of Fuel Verified as a Diesel Emission Control Strategy. If a fleet owner has relied upon a fuel verified as a diesel emission control strategy to meet an applicable requirement and has to discontinue use of the fuel due to circumstances beyond the fleet owner's control, the fleet owner shall apply to the Executive Officer no later than 30 days after discontinuing use of the fuel for a compliance waiver of up to two years to provide the fleet owner time to return to compliance with the applicable requirements. The Executive Officer shall respond to the request within 30 days and grant the request upon finding that the application is complete, outlines the compliance strategy to be used, and that all reporting requirements have been met.

(4) Use of Experimental Diesel Emission Control Strategies

(A) If a fleet owner wishes to use an experimental or non-verified diesel emission control strategy to support the verification of a non-verified diesel emission control strategy, the

owner must first obtain approval from the Executive Officer for a compliance extension. To obtain approval, the owner must demonstrate either that (1) a VDECS is not available or not feasible for their vehicle or application, or (2) that use of the non-verified strategy is needed to generate data to support verification of the strategy.

1. The application must include the following: emissions data and a detailed description of the control technology that demonstrates that the experimental control strategy achieves at least a Level 2 diesel PM emission reduction, vehicle and engine data, and odometer or hubodometer readings as described in sections 2025(r)(8), 2025(r)(9), and 2025(r)(12)(B).

2. The Executive Officer will treat the strategy as a:

a. Level 2 VDECS if the application demonstrates that the strategy achieves at least 50 percent reduction in diesel PM.

b. Level 3 VDECS if the application demonstrates that the strategy achieves at least 85 percent reductions in diesel PM.

(B) Upon approval by the Executive Officer, each vehicle engine retrofitted with the experimental strategy will be allowed to operate for a specified time period necessary to make a determination that the experimental strategy can achieve the projected emissions reductions. The vehicle equipped with the experimental strategy will be considered to be in compliance under section 2025(f), 2025(g), 2025(h), or 2025(i) during the specified time period. The fleet owner shall keep documentation of this use in records as specified by the Executive Officer.

(C) The fleet owner must bring the fleet into compliance under section 2025(f), 2025(g), 2025(h), or 2025(i) prior to the expiration of the experimental diesel emission control strategy extension.

(5) VDECS That Impairs Safe Operation of Vehicle - A fleet owner may request that the Executive Officer find that a VDECS should not be considered the highest level VDECS available because:

(A) it cannot be safely installed or operated in a particular vehicle application; or

(B) its use would make compliance with occupational safety and health requirements, or an ongoing local air district permit condition impossible.

If a VDECS manufacturer states that there is no safe or appropriate method of mounting its VDECS on the requesting party's vehicle, then the VDECS will not be considered safe. In the absence of such a declaration by the VDECS manufacturer, the requesting party shall provide other documentation to support its claims.

Documentation may include published reports and other findings of federal, state or local government agencies, independent testing laboratories, engine manufacturers, or other equally reliable sources. The request will only be approved if the requesting party has made a thorough effort to find a safe method for installing and operating the VDECS, including various locations for VDECS mounting, and use of an actively regenerated VDECS. The Executive Officer shall review the documentation submitted and any other

reliable information that he or she wishes to consider and shall make his or her determination based upon the totality of the evidence.

Upon finding that a VDECS cannot be installed without violating the safety standards prescribed under title 8, CCR by the California Department of Industrial Relations, Division of Occupational Safety and Health, comparable federal or state health and safety laws where the vehicle operates, or federal highway safety laws, the Executive Officer shall issue a determination that there is no highest level VDECS available. The Executive Officer shall inform the requesting party, in writing, of his or her determination, within 60 days of receipt of the request.

Parties may appeal the Executive Officer's determination as described in (C) and (D) below. During the appeal process described in (C) and (D) below, the requesting party may request the administrative law judge to stay compliance until a final decision is issued. If the stay is granted and the Executive Officer denies the requesting party's request, the requesting party has six months from the date of the Executive Officer's final written decision to bring his or her fleet back into compliance.

(C) Appeals - Hearing Procedures

1. Any party whose request has been denied may request a hearing for the Executive Officer to reconsider the action taken by sending a request in writing to the Executive Officer. A request for hearing shall include, at a minimum, the following:
 - a. name of the requesting party;
 - b. copy of the Executive Officer's written notification of denial;
 - c. a concise statement of the issues to be raised, with supporting facts, setting forth the basis for challenging the denial (conclusory allegations will not suffice);
 - d. a brief summary of evidence in support of the statement of facts required in c. above; and
 - e. the signature of an authorized person requesting the hearing
2. A request for a hearing shall be filed within 30 days from the date of issuance of the notice of the denial.
3. A hearing requested pursuant to this subsection shall be heard by a qualified and impartial hearing officer appointed by the Executive Officer. The hearing officer may be an employee of the ARB, but may not be any employee who was involved with the denial at issue. In a request for reconsideration, the hearing officer, after reviewing the request for hearing and supporting documentation provided under paragraph 1.d. above, shall grant the request for a hearing if he or she finds that the request raises a genuine and substantial question of law or fact.
4. If a hearing is granted, the hearing officer shall schedule and hold, as soon as practicable, a hearing at a time and place determined by the hearing officer.

5. Upon appointment, the hearing officer shall establish a hearing file. The file shall consist of the following:
 - a. the determination issued by the Executive Officer which is the subject of the request for hearing;
 - b. the request for hearing and the supporting documents that are submitted with it;
 - c. all documents relating to and relied upon by the Executive Officer in making the initial determination to deny the requesting party's original claim; and
 - d. correspondence and other documents material to the hearing.
6. The hearing file shall be available for inspection by the applicant at the office of the hearing officer.
7. An applicant may appear in person or be represented by counsel or by any other duly-authorized representative.
8. The ARB may be represented by staff or counsel familiar with the regulation and may present rebuttal evidence.
9. Technical rules of evidence shall not apply to the hearing, except that relevant evidence may be admitted and given probative effect only if it is the kind of evidence upon which reasonable persons are accustomed to relying in the conduct of serious affairs. No action shall be overturned based solely on hearsay evidence, unless the hearsay evidence would be admissible in a court of law under a legally recognized exception to the hearsay rule.
10. Declarations may be used upon stipulation by the parties.
11. The hearing shall be recorded either electronically or by a certified shorthand reporter.
12. The hearing officer shall consider the totality of the circumstances of the denial, including but not limited to, credibility of witnesses, authenticity and reliability of documents, and qualifications of experts. The hearing officer may also consider relevant past conduct of the applicant including any prior incidents involving other ARB programs.
13. The hearing officer's written decision shall set forth findings of fact and conclusions of law as necessary.
14. Within 30 days of the conclusion of a hearing, the hearing officer shall submit a written proposed decision, including proposed finding as well as a copy of any material submitted by the hearing participants as part of that hearing and relied on by the hearing officer, to the Executive Officer. The hearing officer may recommend to the Executive Officer any of the following:
 - a. uphold the denial as issued;
 - b. modify the denial; or

c. overturn the denial in its entirety.

15. The Executive Officer shall render a final written decision within 60 working days of the last day of hearing. The Executive Officer may do any of the following based on substantial evidence in the record:

a. adopt the hearing officer's proposed decision;

b. modify the hearing officer's proposed decision; or

c. render a decision without regard to the hearing officer's proposed decision.

(D) Appeals - Hearing Conducted by Written Submission

In lieu of the hearing procedure set forth in (C) above, an applicant may request that the hearing be conducted solely by written submission. In such case the requestor must submit a written explanation of the basis for the appeal and provide supporting documents within 20 days of making the request. Subsequent to such a submission the following shall transpire:

1. ARB staff shall submit a written response to the requestor's submission and documents in support of the Executive Officer's action no later than 10 days after receipt of the requestor's submission;

2. The applicant may submit one rebuttal statement which may include supporting information, as attachment(s), but limited to the issues previously raised;

3. If the applicant submits a rebuttal, ARB staff may submit one rebuttal statement which may include supporting information, as attachment(s), but limited to the issues previously raised; and

4. The hearing officer shall be designated in the same manner as set forth in section 2025(q)(5)(C)(3) above. The hearing officer shall receive all statements and documents and submit a proposed written decision and such other documents as described in section 2025(q)(5)(C)(13) above to the Executive Officer no later than 30 working days after the final deadline for submission of papers. The Executive Officer's final decision shall be mailed to the applicant no later than 60 days after the final deadline for submission of papers.

5. The Executive Officer shall render a final written decision within 60 working days of the last day of hearing. The Executive Officer may do any of the following:

a. adopt the hearing officer's proposed decision;

b. modify the hearing officer's proposed decision; or

c. render a decision without regard to the hearing officer's proposed decision.

(r) Reporting Requirements

(1) The owner of a fleet is subject to reporting requirements for the vehicles in the fleet as defined in section 2025(d)(28) if the owner has elected to utilize the compliance options of section 2025(f)(4), 2025(g)(3), 2025(g)(4), 2025(h), 2025(i), the credits of section 2025(j), the agricultural provisions of section 2025(m), the single-engine and two-engine street sweeper provisions of section 2025(n), the extension or exemptions for vehicles used exclusively in NOx exempt areas of section 2025(p)(1), or the extension for low-mileage construction trucks of section 2025(p)(2). Fleet owners that use the credit for fleets that have downsized provided in section 2025(j)(1) and the credit for the early addition of newer vehicles provided in section 2025(j)(3) must report information for all vehicles under common ownership or control with a GVWR greater than 26,000 lbs in the 2006 baseline fleet and in the fleet for each compliance year. Except as required in section 2025(k)(4), school buses are not required to comply with the reporting requirements.

(2) All fleet owners utilizing any of the credits in section 2025(j) or any of the exemptions, delays, or extensions in section 2025(p) must report according to the requirements of section 2025(r) and maintain records according to section 2025(s) for all of the vehicles in the fleet as defined in section 2025(d)(28).

(3) The owner of a fleet that complies by using the compliance schedule by engine model year set forth in sections 2025(f) and 2025(g) and also utilizes the low-use vehicle provision of section 2025(p)(4) is only required to meet the reporting requirements of section 2025(r) for the low-use vehicles meeting the definition in section 2025(d)(41).

(4) Fleet owners may submit reporting information using forms (paper or electronic) approved by the Executive Officer.

(5) The fleet owner must notify the Executive Officer in writing by the first applicable reporting date and by January 31 of every subsequent compliance year, if applicable, with the name of the responsible official and the location where the records will be kept, and whether any information has changed since its last reporting. Whether the records will be kept inside or outside California, the owner must also comply with section 2025(t).

(6) Each year, fleet owners subject to the reporting requirement must report on their fleet as it was on the compliance date of the current compliance year. The fleet owner must submit the applicable information set forth in sections 2025(r)(5) through (10) by January 31 of each compliance year. Owners must report annually until the year after all of the requirements of section 2025(f), 2025(g), 2025(h), and 2025(i), as applicable to the fleet, have been completely met.

(7) Owner Contact Information: Compliance reports must include the following information:

(A) Fleet owner's name;

(B) Name of company or agency;

(C) Motor carrier identification number;

(D) Corporate parent name (if applicable);

- (E) Corporate parent taxpayer identification number (if applicable);
- (F) Company taxpayer identification number;
- (G) Street address and mailing address;
- (H) Name of responsible person;
- (I) Title of responsible person;
- (J) Contact name;
- (K) Contact telephone number;
- (L) Contact email address (if available); and
- (M) License number issued by the Public Utilities Commission (if applicable).

(8) Vehicle Information

Fleet owners must provide to the Executive Officer a list of all vehicles subject to the reporting requirements along with the information listed in (A) through (S) below for each vehicle:

- (A) Vehicle identification number;
- (B) Vehicle manufacturer;
- (C) Vehicle model;
- (D) Gross vehicle weight rating;
- (E) Vehicle model year;
- (F) License plate number;
- (G) The state, province, or country where the vehicle is or was registered and type of registration plate;
- (H) Vehicle type, including whether the vehicle is a school bus, agricultural vehicle, log truck, truck-tractor, two-engine sweeper, low-mileage construction truck or yard truck;
- (I) If the vehicle was added to the fleet prior to January 1, 2012, the fleet owner may enter "January 1, 2012";
- (J) Date that a vehicle was retired, sold, or scrapped after January 1, 2012;
- (K) Whether the vehicle will be designated as a low-use vehicle as defined in section 2025(d)(41);

(L) Whether the vehicle has been certified as non-operational with the California Department of Motor Vehicles or equivalent documentation from the state, province, or country where the vehicle is registered and whether the vehicle will not operate in California.

(M) Whether the vehicle is a fuel efficient hybrid vehicle as defined in section 2025(d)(31);

(N) Whether the vehicle is propelled by an alternative-fueled engine as defined in section 2025(d)(8);

(O) Whether the vehicle will use the extension or exemptions for vehicles used exclusively in NOx Exempt Areas in section 2025(p)(1);

(P) Whether the fleet size is more than three vehicles subject to the regulation with a GVWR greater than 14,000 lbs;

(Q) Whether the vehicle is a log truck utilizing the optional phase-in for Log Trucks provision in section 2025(m)(12);

(R) Whether the vehicle is a low-mileage construction truck that will use the extension for low-mileage construction trucks specified in section 2025(p)(2); and

(S) Whether the vehicle was partially paid for with public funds, and if so, the information about the funding contract specified in section 2025(r)(18).

(9) Engine Information Reporting

Except as provided in section 2025(r)(13)(A) and 2025(r)(19) below, the following information for each engine that propels a vehicle reported per section 2025(r)(8) and for each sweeper engine that operates auxiliary equipment must be reported to the Executive Officer:

(A) Engine manufacturer;

(B) Engine model;

(C) Engine family for all 1974 model year and newer engines;

(D) Fuel type;

(E) Engine model year;

(F) Whether the engine meets an on-road or off-road emissions standard;

(G) Whether the engine is used to propel the vehicle or to operate auxiliary equipment;

(H) The emissions standard to which the engine was certified if lower than required for the engine model year; and

(I) Whether the engine was partially paid for with public funds, and if so, the information about the funding contract specified in section 2025(r)(18).

(10) Verified Diesel Emission Control Strategies Reporting

Except as provided in section 2025(r)(13)(A) below, for each VDECS that is installed on an engine listed per section 2025(r)(9), the fleet owner must report the following information to the Executive Officer:

(A) Description of VDECS installed;

(B) VDECS family name;

(C) Serial number, or experimental part number, or aftermarket part number;

(D) Date installed;

(E) If claiming early PM retrofit credits of section 2025(j)(2)(A) and the VDECS is installed between July 1, 2011 and October 1, 2011, the fleet owner must attest to having records to document the purchase agreement and down payment for the VDECS by May 1, 2011;

(F) Whether the VDECS was partially paid for with public funds and the information in 2025(r)(18) if partially paid for with public funds; and

(G) Whether the VDECS was installed on the engine to comply with another California in-use regulation.

(11) Reporting for Extension for Unavailability of Highest Level VDECS

If appropriate, the following information must be submitted to the Executive Officer with a request for an extension based on the unavailability of highest level VDECS:

(A) Owner contact information, vehicle, and engine information listed in sections 2025(r)(7), 2025(r)(8), and 2025(r)(9);

(B) Description of the reason for the compliance extension request for each engine or engine-vehicle combination;

(C) If the VDECS would void the engine warranty, provide a statement from the engine manufacturer or authorized engine or vehicle dealer;

(D) If a verified VDECS is commercially available for the engine family, provide a list of manufacturers and installers that have been contacted and the response to a request to purchase; and

(E) Documentation must be submitted with the initial request and must be reported annually on January 31 following the compliance deadline for each year that the owner is claiming non-availability of the highest VDECS.

(12) Low-Use Vehicle Reporting

For vehicles that are designated as low-use, the fleet owner must report the following information to the Executive Officer annually for as long as the fleet owns or operates the vehicle:

(A) Owner, vehicle, and engine information identified in sections 2025(r)(5) through 2025(r)(9);

(B) Mileage readings from a properly functioning odometer or hubodometer taken on January 1 and December 31 of the compliance year. A hubodometer may be used in lieu of the odometer;

(C) If the vehicle uses engine power as specified in 2025(d)(41), hour-meter readings from a properly functioning non-resettable hour-meter taken on January 1 and December 31 of the compliance year;

(D) The dates and readings of the odometer and non-resettable hour-meter readings. In the event that the odometer is replaced, the original odometer reading and the new odometer reading and the date of replacement must be reported within 30 days the original odometer failed. In the event that the odometer or hubodometer is removed, the reading and date it is removed and the reading of the replacement and the date it is placed in service. If hubodometers are used, the fleet owner must report the serial numbers;

(E) Upon request of an agent or employee of the ARB, the owner of a vehicle operating both inside and outside of California must provide records from a electronic tracking system as defined in section 2025(d)(21) that can acquire date, time, engine-on, and location data. The owner may use other documentation of vehicle operation and location, such as IRP records;

(F) Whether the vehicle is used as an emergency support vehicle as defined in section 2025(d)(23); and, if so, the fleet owner must report the information in section 2025(r)(15); and

(G) Whether a planned non-operation certificate has been filed with the DMV or, an equivalent certificate has been filed with another state prior to the beginning of the compliance year, and whether the vehicle will not be operated in the compliance year.

(13) Credit for Fleets that have Downsized or Added Newer Vehicles Early Reporting

Fleets owners claiming credits under section 2025(j) must report the following:

(A) Fleet owners claiming credit for downsizing must report the following:

1. For the vehicles in the 2006 baseline fleet, vehicle information specified in section 2025(r)(8)(A) to 2025(r)(8)(G), and if the vehicle was not registered with the California Department of Motor Vehicles, identify the type of records that are being kept to document proof that the vehicles drove at least 1,000 miles in California in the year 2006. Fleets that include street sweepers with a GVWR from 14,001 to 26,000 lbs for determining the credit, must identify that the vehicle is a street sweeper.

2. For the compliance year, whether the fleet has drayage trucks, on-road vehicles subject to the off-road in-use vehicle regulation, and information about how many are currently in the fleet. Fleets that include street sweepers with a GVWR from 14,001 to 26,000 lbs for determining the credit, must identify that the vehicle is a street sweeper.

(B) For the 2006 baseline fleet, a fleet owner that claims credits for adding cleaner vehicles as specified in section 2025(j)(3) must report the vehicle information in section 2025(r)(13)(A) above and the engine model year, and engine family for all the vehicles in the fleet as of January 1, 2012. The fleet owner has the option to report the engine information for vehicles that are no longer in the fleet if the fleet owner has records to document the engine model year and engine family.

(14) Agricultural Fleet Reporting

Until January 1, 2023, fleet owners that reported as of April 29, 2011, and qualified for the provisions of section 2025(m), must continue to report the following information to the Executive Officer no later than January 31 of every year:

(A) For vehicles in the existing fleet, the information required in sections 2025(r)(5) through 2025(r)(9); for vehicles that were in the fleet on January 1, 2009, but are no longer part of the existing fleet, only the vehicle information in section 2025(r)(8) (A) to (G) is required;

(B) Whether the vehicle is a specialty agricultural vehicle or a log truck;

(C) Whether the vehicle is being added or removed from the fleet and the date that the vehicle is added or removed;

(D) The vehicle body type if one of the body types described in the definition of specialty agricultural vehicle in section 2025(d)(54);

(E) If eligible to be considered for the specialty vehicle exemption, the priority status of the vehicle in case not all specialty vehicles in the fleet can be approved;

(F) Whether the specialty vehicle will operate exclusively outside the San Joaquin Valley Air Basin;

(G) Whether the vehicle is operated for compensation outside a farming business owner's farm;

(H) Except for specialty agricultural vehicles, mileage from a properly functioning odometer taken on January 1, 2011 and every January 1 thereafter. In the event that the odometer is replaced, the fleet owner shall report the original odometer reading, the new odometer reading, and the date the original odometer was replaced. If a hubodometer is used in lieu of the odometer, the fleet owner must also report the serial number for each hubodometer used or replaced; and

(I) For an agricultural vehicle being replaced, the owner, vehicle, and engine information set forth in sections 2025(r)(5) through 2025(r)(9), the mileage of both the vehicle being replaced and added, and the date the mileage readings were taken.

(15) Vehicles used as emergency support vehicles in emergency operations

A fleet owner must provide the following information to the Executive Officer to qualify a vehicle's usage as emergency operation:

(A) Owner, vehicle, and engine information identified in sections 2025(r)(5) through 2025(r)(9);

(B) Odometer readings from a properly functioning odometer to document use at an emergency event and to document travel to and from the emergency event. In the event that the odometer is replaced, the fleet owner shall report the original odometer reading and the new odometer reading and the date that the original odometer was replaced. If a hubodometer is used in lieu of an odometer, the fleet owner must also report the serial number for each hubodometer used or replaced. Vehicles used exclusively for emergency use that are not authorized emergency vehicles do not need to have an hour meter and do not need to report hours. Authorized emergency vehicles are exempt per section 2025(c); and

(C) Records to document dispatch by the local, state, or federal agency or other responsible emergency management entity as approved by the Executive Officer.

(16) Reporting of Vehicles Utilizing the Exemptions, Delays, and Extensions Provision

Unless stated otherwise in section 2025(p), fleet owners utilizing the exemptions, delays, and extensions provision of section 2025(p) must provide the following information to the Executive Officer by January 31, 2012:

(A) Vehicles Operating Exclusively in NOx-exempt areas

The owner must provide the following information to the Executive Officer by January 31 of each compliance year to demonstrate compliance with the requirements of section 2025(p)(1):

1. Owner, vehicle, engine information, and VDECS listed in sections 2025(r)(5) through 2025(r)(10);
2. For vehicles that are not labeled, records from an electronic tracking system that tracks usage and location in a monthly report format approved by ARB. The system must at a minimum meet the requirements as defined in section 2025(d)(21) and provide the information listed therein; and
3. Whether the vehicle is labeled as specified in section 2025(p)(1)(C).

(B) Unique Vehicle Extension.

The owner must provide the following information to the Executive Officer by January 31 of each compliance year to demonstrate compliance with the requirements of section 2025(p)(3):

1. Owner, vehicle, and engine information listed in sections 2025(r)(5) through 2025(r)(9).

2. Photos and a complete description of the vehicle and its function.
3. A complete explanation of why the vehicle qualifies as a unique vehicle.
4. Names and phone numbers of sources contacted during the search for a replacement vehicle.
5. Letters from contacted VDECS vendors stating that retrofit technology is unavailable for the unique vehicle.

(17) Two-Engine Sweepers

The owner must provide the following information for both the propulsion and auxiliary engine to the Executive Officer by March 31, 2010, and January 1 of subsequent compliance years to demonstrate compliance with the requirements of section 2025(n):

- (A) Owner, vehicle, and engine information listed in sections 2025(r)(5) through 2025(r)(10);
- (B) Engine tier level of the auxiliary engine, model year, and engine family number; and
- (C) For Tier 0 auxiliary engines, the hours of use readings taken January 1 and December 31 of each year starting 2010.

(18) Vehicles Purchased, Repowered, or Retrofitted Using Public Funds

For owners of vehicles that were purchased, repowered or retrofitted using public funds and where funding program guidelines include criteria which limit funding projects from receiving regulatory benefit or credit, the fleet owner must provide the following information to the Executive Officer for all vehicles that were purchased or retrofitted using public funds:

- (A) Owner, vehicle, and engine information listed in sections 2025(r)(5) through 2025(r)(10);
- (B) Date the public funding contract began;
- (C) Date the contract or emissions surplus contract period ends or ended;
- (D) Program providing the funding; and
- (E) Information about the contract terms to determine eligibility.

(19) Claiming a Three Day Pass

Information listed in sections 2025(r)(7) and 2025(r)(8) (A) to (G) must be provided for the vehicle subject to the three-day pass request and the date for which the three-day period would begin.

(20) Compliance Certification. All reports submitted to ARB, must be accompanied with a certification signed by a responsible official or a designee thereof that the information reported is accurate and that the fleet is in compliance with the regulation. If a designee signs the compliance certification, a written statement signed by the responsible official designating the designee must be attached to the compliance certification and submitted to the Executive Officer.

(21) Changes Since Last Reporting - The fleet owner or responsible person must report to the Executive Officer any additions, removals, or changes to the fleet since the last annual report filed. Such changes shall include, among other things, changes in the fleet's compliance option, vehicles removed from the fleet, vehicles added to the fleet through purchase or by bringing into California, and vehicles newly defined as low-use, or recently repowered or retrofitted. If there are no changes, the fleet owner shall indicate there have been no changes.

(22) New Fleet Reporting. New fleets that elect to utilize the phase-in options of section 2025(i) or 2025(h) must submit the information in sections 2025(r)(5) through 2025(r)(9) to the Executive Officer within 30 days of purchasing or bringing such vehicles into the State. Beginning the first January 1 that is more than 30 days after the date of purchase or bringing a vehicle into the State, new fleets must comply with the reporting requirements in section 2025(r).

(23) Claiming Compliance Extension for Manufacturer Delays

The fleet owner must report the following information to the Executive Officer by January 31, each year to demonstrate compliance with the requirements of section 2025(p)(8):

(A) The date of purchase or the date the contractual agreement for purchase of VDECS, replacement engine, or vehicle was entered;

(B) The date the VDECS or vehicle was placed into service;

(C) The date the existing vehicle was removed from service; and

(D) Identification of the vehicle that was replaced.

(24) Reporting for a Compliance Extension for Fleets that Meet PM BACT per section 2025(f) or 2025(g) prior to January 1, 2014

For fleets complying using the compliance option of section 2025(f) or 2025(g), the fleet owner must provide the following information about the vehicles that meet PM BACT prior to January 1, 2014:

(A) Owner, vehicle and engine information listed in sections 2025(r)(5) through 2025(r)(9).

(B) Information listed in section 2025(r)(10) for the VDECS.

(25) Reporting for Small Fleets

For fleets complying using the phase-in option for small fleets of section 2025(h), the fleet owner must provide the following information about all vehicles in the fleet;

(A) Owner information listed in sections 2025(r)(5) through (7); and

(B) Until January 31, 2014, the vehicle information listed in sections 2025(r)(8) (A) through (J) and starting January 31, 2014, all the information listed in sections 2025(r)(8) through 2025(r)(10).

(26) Reporting for Fleets Using Excess PM VDECS Credits

For fleets claiming excess PM VDECS credits of section 2025(j)(2)(C), the fleet owner must provide the following information about the vehicles prior to January 1 of the compliance year in which they want to apply it:

(A) Owner, vehicle and engine information listed in sections 2025(r)(5) through 2025(r)(9) for the vehicle that was retrofitted;

(B) Information listed in section 2025(r)(10) for the VDECS; and

(C) The fleet registration identification number for the Off-Road regulation, title 13, CCR, section 2449, known as the diesel off-road online reporting system, or DOORS ID number.

(s) Record Keeping

(1) The owner of a fleet shall maintain the following records specified in sections 2025(s)(3) through 2025(s)(16) as applicable. The owner shall provide these records to an agent or employee of the ARB within five business days upon request. If the records will be kept outside California, the owner must also comply with section 2025(t).

(2) The owner of a fleet subject to the reporting requirements of section 2025(r) shall maintain copies of the information reported under section 2025(r), as well as the records described in sections 2025(s)(3) through 2025(s)(18) below.

(3) School Buses

(A) Fleet owners of school buses shall maintain records of all the information listed in sections 2025(r)(7) through 2025(r)(10).

(B) Fleet owners using the downsize credits of section 2025(k)(2) must maintain records of all the information listed in sections 2025(r)(7) through 2025(r)(10) for all school buses in the 2006 baseline fleet and for all school buses in the fleet on January 1 of the compliance year that were registered. Fleet owners do not have to have to keep engine and VDECS information that is required under sections 2025(r)(9) and 2025(r)(10) for school buses registered on October 1, 2006 that are no longer in the fleet.

(C) Fleet owners with low-use buses must maintain records of all the information listed in section 2025(r)(12) for each low-use bus.

(D) Fleet owners must comply with record keeping requirements for VDECS failures and maintenance as required in sections 2025(s)(10) and 2025(s)(14).

(4) Motor Carrier or Broker

(A) Bills of lading and other documentation identifying the motor carrier or broker who hired or dispatched the vehicle and the vehicle dispatched.

(5) Agricultural Fleets

(A) Fleets utilizing the agricultural fleet provision must keep and make available upon request proof that all agricultural vehicles were used exclusively in agricultural operations. This may include records used to support proof to other governmental agencies that the primary business function was agricultural. Such documentation may include IRS or Board of Equalization tax forms or bills of lading.

(B) Records must be maintained for each agricultural vehicle demonstrating that the vehicle was operational, functional and capable of performing the duty for which it was designed. This could include maintenance records, mileage records, or licensing records, emissions testing records, or any other source of data approved by the Executive Officer.

(C) The agricultural fleet owner must keep bills of lading for delivery of fertilizer or crop protection products by an agricultural vehicle to a farm. Such records must demonstrate that the operation of the vehicle for the preceding calendar year was used exclusively to deliver such products to farms.

(D) Proof of transference of ownership of any qualifying agricultural vehicle that is added to or removed from the fleet.

(E) Proof of ownership of the vehicles including title, registration, or bills of sale.

(6) Proof of Operation - Owners of fleets must keep records showing that any vehicle used to demonstrate compliance using the phase-in options of section 2025(h) and section 2025(i) was operated in California for that applicable compliance year. Records could include IRP records, GPS tracking records, or DMV or law enforcement permits.

(7) Fleets that have Downsized or have Added Newer Engines Early - Fleets utilizing the credit for fleets that have downsized of section 2025(j)(1) or the credit for the early addition of newer engines of section 2025(j)(3) must keep the following records at the business office or terminal location identified in the reports filed with the Executive Officer:

(A) For all vehicles in the fleet on October 1, 2006; a,

1. Copy of the vehicle's registration; or
2. Copy of the vehicle's ownership documentation; and
3. Copy of documentation of the engine model year and engine family (only if reported for claiming credit for the early addition of newer vehicles); and

4. If not registered with the California Department of Motor Vehicles, proof that the vehicles in the fleet drove at least 1,000 miles in California in the year 2006.

(B) For all vehicles in the fleet on January 1 of the compliance year:

1. A copy of the certificate of non-operation filed with the Department of Motor Vehicles or equivalent documentation from the state, province, or country where the vehicle is registered; and

2. If scrapped in the previous year, a copy of a non-repairable vehicle certificate issued from the California Department of Motor Vehicles or equivalent documentation from the state, province, or country where the vehicle is registered.

(8) Changes Since the Last Reporting Period

(A) For fleets complying using any of the compliance options other than section 2025(f) or 2025(g), must keep documentation of any additions, deletions, or changes to the fleet since the last reporting. Documentation may include bills of sale, purchase orders, maintenance records, registration information, or other documentation.

(B) For each vehicle removed from the fleet, a copy of the bill of sale, or other documentation showing transference of ownership from the former owner and the current owner and the date of the transaction or any other form of vehicle transference approved by the Executive Officer.

(9) Electronic Tracking - For fleets using electronic tracking systems as defined in section 2025(d)(21) summary and detailed records must be kept at the business office or terminal location for the fleet. The records must provide;

(A) Vehicle identification number of the vehicle being tracked;

(B) Monthly and annual mileage accrued in California;

(C) Monthly and annual mileage accrued in the NOx Exempt Areas if claiming the vehicle operates exclusively in NOx-exempt areas, and

(D) Monthly and annual hours of engine operation accrued in California except for vehicles that do not use PTO to perform work in a stationary mode.

(10) VDECS Failure - Maintain records of any VDECS failure and replacement including:

(A) Date of failure;

(B) Description of failure;

(C) Description of resolution of failure;

(D) Date of resolution of failure;

(E) Past VDECS maintenance records; and

(F) Past engine maintenance records.

(11) Fuel-based Strategy - Documentation of any approval from ARB Executive Officer to use a fuel strategy as in section 2025(q)(3) and the most recent two years' worth of records of purchase that demonstrate usage.

(12) Experimental Diesel Emission Control Strategy - For fleets using an experimental diesel PM control strategy, record of approval from the Executive Officer for use of the experimental diesel control strategy, the test plan and test data used in the experimental diesel control strategy application, and other records as specified in the approval.

(13) Manufacturer Delay - For any vehicle or VDECS for which the fleet owner is utilizing the equipment manufacturer delay provision in section 2025(p)(8), proof of purchase, such as a purchase order or signed contract for the sale, including engine specifications for each applicable piece of equipment or vehicle.

(14) Maintenance of VDECS Records

(A) VDECS Documentation. For each engine requiring a VDECS to comply with the regulation, the owner shall keep the following documentation in the vehicle and provide it upon request to an agent or employee of the ARB;

1. A statement signed by the installer at the time of installation of the VDECS affirming that the installation was performed by an installer authorized by the VDECS manufacturer;
2. The name of the company installing the device;
3. The date the device was installed;
4. Description of VDECS installed;
5. VDECS family name;
6. Serial number of installed VDECS; and
7. Verification level and year of verification of the installed VDECS.

(15) Emergency Support Vehicles - Fleet owners of emergency support vehicles utilizing the provisions of section 2025(p)(1), 2025(p)(2) or 2025(p)(4) shall keep records to document dispatch by a local, state, or federal agency or other responsible emergency management entity as approved by the Executive Officer.

(16) Low-use Vehicles - Fleet owners of low-use vehicles that exceed 1,000 miles per year shall;

(A) Keep records of electronic tracking pursuant to section 2025(s)(9),

(B) Keep records of dates and the odometer readings when the vehicle leaves and returns to California to demonstrate that no more than 1,000 miles per year was driven in California.

(17) Early PM Retrofit Credits - Fleets that are claiming credit for early PM retrofits shall maintain records with the below information;

(A) The bill of sale with date of purchase or order.

(B) The total amount of the purchase and the amount of down payment if not fully paid at the time of purchase.

(C) Work order or equivalent with the completion date.

(t) Audit of Records

The vehicle owner must make records available to ARB at its request for audit to verify the accuracy of the records. In the event the records are not made available within 30 days of the request, the ARB may assess penalties for non-compliance.

(u) Record Retention

The fleet owner or responsible person shall maintain the records for each vehicle subject to the reporting and record keeping requirements of sections 2025(r) and (s) for 3 years after it is retired, and for the overall fleet, for as long as the owner has a fleet, or January 1, 2025, whichever is earlier. If fleet ownership is transferred, the seller shall transfer the fleet records to the buyer. Dealers must maintain records of the disclosure of regulation applicability required by section 2025(w) for three years after the sale.

(v) Right of Entry

For the purpose of inspecting vehicles subject to this regulation and their records to determine compliance with this regulation, an agent or employee of ARB, upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where vehicles are located or vehicle records are kept.

(w) Disclosure of Regulation Applicability

Any person residing in California selling a vehicle with an engine subject to this regulation must provide the following disclosure in writing to the buyer on the bill of sale, sales contract addendum, or invoice, "An on-road heavy-duty diesel or alternative-diesel vehicle operated in California may be subject to the California Air Resources Board Regulation to Reduce Particulate Matter and Criteria Pollutant Emissions from In-Use Heavy-Duty Diesel Vehicles. It therefore could be subject to exhaust retrofit or accelerated turnover requirements to reduce emissions of air pollutants. For more information, please visit the California Air Resources Board website at <http://www.arb.ca.gov/dieseltruck>."

(x) Compliance Requirement

(1) The vehicle owner shall comply with all applicable requirements and compliance schedules set forth in this regulation.

(2) Any in-state or out-of-state motor carrier, California broker, or any California resident who operates or directs the operation of any vehicle subject to this regulation shall verify that each hired or dispatched vehicle is in compliance with the regulation and comply with the record keeping requirements of section 2025(s)(4).

(3) Compliance may be accomplished by keeping at the business location, a copy of the Certificate of Reported Compliance with the In-Use On-Road Diesel Vehicle Regulation for each fleet, or in the vehicle.

(4) Any contract that a lessor and lessee enter into that has an effective date of January 1, 2010 or later shall clearly specify whether or not the leased vehicle is to be excluded from the lessor's fleet for the duration of the lease, or the responsibility will be that of the lessee.

(y) ARB Certificate of Reported Compliance

After the required reporting and compliance certification are received by ARB staff, ARB will provide the fleet with a Certificate of Reported Compliance with the In-Use On-Road Diesel Vehicle Regulation. ARB staff will also post on the website for this regulation the name and motor carrier number for fleets that have reported compliance.

(z) Non-Compliance

Any person who fails to comply with the general requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to civil or criminal penalties under sections 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, and 43016, of the Health and Safety Code. In assessing penalties, the Executive Officer will consider factors, including but not limited to the willfulness of the violation, the length of time of noncompliance, whether the fleet made an attempt to comply, and the magnitude of noncompliance.

(aa) Severability

If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 39600, 39601, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023 and 43600, Health and Safety Code. Reference: Sections 39650, 39658, 39659, 39666, 39667, 39674, 39675, 40717.9, 42400, 42400.1, 42400.2, 42402.2, 42410, 43013, 43016, 43018, 43023, 43600 and 43701(b), Health and Safety Code.

HISTORY

1. New section and Appendix A filed 12-9-2009; operative 1-8-2010 (Register 2009, No. 50).
2. Editorial correction inserting inadvertently omitted article heading (Register 2010, No. 13).
3. Amendment of subsections (c), (c)(12) and (c)(13) and new subsection (c)(14) filed 10-19-2010; operative 10-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 43).
4. Amendment of section and Note filed 12-14-2011; operative 12-14-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 50).

13 CCR § 2025, 13 CA ADC § 2025

13 CA ADC § 2027 - In-Use On-Road Diesel-Fueled Heavy-Duty Drayage Trucks.

(a) *Purpose.* The purpose of this regulation is to reduce emissions and public exposure to diesel particulate matter (diesel PM), oxides of nitrogen (NO_x), and other air contaminants by setting emission standards for in-use, heavy-duty diesel-fueled vehicles that transport cargo to and from California's ports and intermodal rail facilities.

(b) *Applicability.* This section shall apply to entities listed below through December 31, 2022. Starting January 1, 2023, drayage trucks are subject to the provisions of title 13, California Code of Regulations, section 2025, the Regulation to Reduce "Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants from In-Use Heavy Duty Diesel-Fueled Vehicles (Truck and Bus Regulation)", which requires that all not otherwise exempt in-use on-road diesel vehicles, including drayage trucks, have a 2010 model year emissions equivalent engine by January 1, 2023.

(1) This regulation applies to owners and operators of on-road diesel-fueled, alternative diesel-fueled and dual-fueled heavy-duty drayage trucks that operate in California, "motor carriers" that dispatch drayage trucks that operate in California, "marine or port terminals," "intermodal rail yards," and "rail yard and port authorities."

(2) This regulation does not apply to:

(A) dedicated use vehicles;

(B) vehicles operating under an ARB authorized emergency decree;

(C) authorized emergency vehicles;

(D) military tactical support vehicles;

(E) vehicles that operate at port or intermodal rail yard properties in which the ARB Executive Officer has granted an annual exemption under the provisions of subsection (f) to local port or rail yard authorities; and

(F) yard trucks.

(c) *Definitions.* For purposes of this section, the definitions of Health and Safety Code section 39010 through 39060 apply except to the extent that such definitions may be modified by the following definitions that apply specifically to this regulation.

(1) "Alternative Diesel Fuel" means any fuel used in diesel engines that is not a reformulated diesel fuel as defined in sections 2281 and 2282 of title 13, of the California Code of Regulations, and does not require engine or fuel system modifications for the engine to operate, other than minor modifications (e.g., recalibration of the engine fuel control) that may enhance performance. Examples of alternative diesel fuels include, but are not limited to, biodiesel, Fischer-Trosch fuels, and emulsions of water in diesel fuel. Natural gas is not an alternative diesel fuel. An emission control strategy using a fuel additive will be treated as an alternative diesel fuel based strategy unless:

(A) the additive is supplied to the engine fuel by an on-board dosing mechanism, or

(B) the additive is directly mixed into the base fuel inside the fuel tank of the engine, or

(C) the additive and base fuel are not mixed until engine fueling commences, and no more additive plus base fuel combination is mixed than required for a single fueling of a single engine or vehicle.

(2) "ARB" means the California Air Resources Board.

(3) "ARB Designees" are defined as those entities that ARB designates or contracts with to perform certain functions or provide specific services on its behalf under this regulation.

(4) "Authorized Emergency Vehicle" is as defined in Vehicle Code section 165.

(5) "Average Daily Drayage Truck Visits" is determined by dividing the total number of truck visits within a calendar month by the total number of intermodal rail yard open days for that same calendar month as represented by the following equation:



Image 1 (5.61" X .89") Available for Offline Print

Where:

(A) a 'truck visit' is defined as each occurrence of a drayage truck transgressing from outside intermodal rail yard property onto intermodal rail yard property; and,

(B) an 'open day' is defined as a calendar day in which an intermodal rail yard has drayage truck traffic.

(6) "Beneficial Cargo Owner" is a cargo owner, the person for whose account the ocean or rail transportation is provided, the person to whom delivery is to be made, a shippers' association, or an ocean or rail transportation intermediary that accepts responsibility for payment of all applicable charges.

(7) "Bill of Lading" is a document that states the terms of the contract between a shipper and a transportation company. It serves as a document of title of the goods shipped, a contract of carriage, and a receipt for goods.

(8) "CARB Diesel Fuel" is diesel fuel certified by ARB as meeting the fuel specification standards set forth at title 13, California Code of Regulations (CCR) section 2280 et seq.

(9) "Class I Railroad" is a freight railway based on large revenues (\$250 million or more) in comparison to the revenues of Class II (which ranges from greater than \$20 million but less than \$250 million) and Class III (less than \$20 million) railways, as defined by the Surface Transportation Board (STB).

(10) "Compression Ignition Engine" means an internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle. The regulation of power by controlling fuel supply in lieu of a throttle is indicative of a compression ignition engine.

(11) "Dedicated Use Vehicles" are uni-body vehicles that do not have separate tractor and trailers and include but are not limited to:

(A) Dedicated auto transports;

(B) Dedicated fuel delivery vehicles;

(C) Concrete mixers;

(D) On-road mobile cranes

(12) "Diesel Fuel" means any fuel that is commonly or commercially known, sold, or represented by the supplier as diesel fuel, including any mixture of primarily liquid hydrocarbons (HC) - organic compounds consisting exclusively of the elements carbon and hydrogen - that is sold or represented by the supplier as suitable for use in an internal combustion, compression - ignition (CI) engine.

(13) "Diesel-Fueled" means a CI engine fueled by diesel fuel, CARB diesel fuel, or alternative diesel fuel, in whole or part.

(14) "Diesel particulate matter (diesel PM)" means the particles found in the exhaust of diesel-fueled compression ignition engines. Diesel PM may agglomerate and adsorb other species to form structures of complex physical and chemical properties. ARB has identified diesel PM as a toxic air contaminant.

(15) "Drayage Truck" means any in-use on-road vehicle with a gross vehicle weight rating (GVWR) greater than 26,000 pounds that is used for transporting cargo, such as containerized, bulk, or break-bulk goods, that operates:

(A) on or transgresses through port or intermodal rail yard property for the purpose of loading, unloading or transporting cargo, including transporting empty containers and chassis;

or

(B) off port or intermodal rail yard property transporting cargo or empty containers or chassis that originated from or is destined to a port or intermodal rail yard property.

Drayage trucks are not:

(C) Vehicles operating off of port or intermodal rail yard properties that transport cargos that have originated from a port or rail yard property but have been off-loaded from the equipment (e.g., a trailer or container) that transported the cargo from the originating port or rail yard

or

(D) Vehicles operating off of port or intermodal rail yard properties that transport cargos that are destined for a port or rail yard but will be subsequently transferred into or onto different equipment (e.g., a trailer or container) before being delivered to a port or intermodal rail yard.

(16) "Drayage Truck Owner" means:

(A) the person registered as the owner of a drayage truck as shown by the Department of Motor Vehicles, or its equivalent in another state, province, or country; or the International Registration Plan.

or

(B) the lessee of the truck, as indicated on the drayage truck's registration pursuant to Vehicle Code section 4453.5.

(17) "Drayage Truck Operator" means the driver of the vehicle or any person, party or entity that controls the operation of a drayage truck.

(18) "Drayage Truck Registry (DTR)" is an ARB database that contains information on all trucks that conduct business at California ports and intermodal rail yards.

(19) "Drayage Truck Registry Number" is a unique identifier issued to the owner of a drayage truck upon registering in the DTR and corresponds to the truck registered.

(20) "DTR Compliant" means that a drayage truck is currently compliant with the requirements of the regulation, including the requirements for the DTR and emission standards.

(21) "Dual-Fuel Engine" means any compression ignition engine that is engineered and designed to operate on a combination of alternative fuels, such as compressed natural gas (CNG) or liquefied petroleum gas (LPG) and diesel fuel or an alternative diesel fuel.

These engines have two separate fuel systems, which inject both fuels simultaneously into the engine combustion chamber. A dual-fuel engine is not an alternative-fuel engine.

(22) "Emergency Event" means any situation arising from sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, or other acts of God, or other unforeseen events beyond the control of drayage truck owners and operators that threatens public health and safety or the reasonable flow of goods movement.

(23) "Emergency Decree" means a determination by the Executive Officer that an emergency event has occurred that requires the immediate temporary operation of drayage trucks at ports and intermodal rail yard facilities.

(24) "Executive Officer" is the Executive Officer of ARB or his/her authorized representative.

(25) "Gross Vehicle Weight Rating (GVWR)" is as defined in Vehicle Code Section 350.

(26) "Heavy-Duty" is a manufacturer's GVWR of greater than 26,000 pounds.

(27) "Intermodal Rail Yard" is any rail facility owned or operated by a Class I railroad where cargo is transferred from drayage truck to train or vice-versa that:

(A) is within 80 miles of a port;

or,

(B) is located more than 80 miles from the nearest port and having, on or after January 2008, 100 or more average daily drayage truck visits in any one calendar month.

Once a rail yard, identified in (B) above, has 100 or more average daily drayage truck visits in any one month, the rail yard will be considered an intermodal rail yard and will be subject to all provisions of this regulation regardless of the number of future average daily drayage truck visits. Intermodal rail yards include, but are not limited to, the following facilities: Union Pacific (UP) Oakland, Burlington Northern Santa Fe (BNSF) Hobart, LATC Union Pacific, Commerce UP, Richmond BNSF, Commerce Eastern BNSF, ICTF UP, BNSF San Bernardino, Stockton Intermodal BNSF, Lathrop Intermodal UP, and BNSF Oakland.

(28) "International Registration Plan" is a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees on the basis of total distance operated in all jurisdictions.

(29) "Lessee" has the same meaning as in Vehicle Code section 371.

(30) "Liquid Natural Gas (LNG) Fueled Trucks" are drayage trucks that utilize a heavy-duty pilot ignition engine that is designed to operate using an alternative fuel, except that diesel fuel is used for pilot ignition at an average ratio of no more than one part diesel fuel to ten parts total fuel on any energy equivalent basis. An engine that can operate or idle solely on diesel fuel at any time does not meet this definition.

(31) "Marine or Port Terminals" means wharves, bulkheads, quays, piers, docks and other berthing locations and adjacent storage or adjacent areas and structures associated with the primary movement of cargo or materials from vessel to shore or shore to vessel including structures which are devoted to receiving, handling, holding, consolidating and loading or delivery of waterborne shipments or passengers, including areas devoted to the maintenance of the terminal or equipment. For the purposes of this regulation, the term includes but is not limited to production or manufacturing areas, warehouses, storage facilities, and private or public businesses or entities located on or surrounded by port property.

(32) "Military Tactical Support Vehicles" is as defined in title 13, CCR, section 1905.

(33) "Motor Carrier" is a business intermediary that contracts with beneficial cargo owners, ship companies, port terminals or Class I railroads, and with owners and operators of drayage trucks that it dispatches for pick-up and delivery of goods that are destined for or originated from ports and/or intermodal rail yards.

(34) "On-road" means a vehicle that is designed to be driven on public highways and roadways and that is registered or is capable of being registered by the California Department of Motor Vehicles (DMV) under Vehicle Code sections 4000 et seq. - or DMV's equivalent in another state, province, or country; or the International Registration Plan. A vehicle covered under ARB's In-Use Off-Road Regulation, title 13, CCR, section 2449 is not an on-road vehicle.

(35) "Oxides of nitrogen (NOx)" means compounds of nitric oxide, nitrogen dioxide, and other oxides of nitrogen. Nitrogen oxides are typically created during combustion processes and are major contributors to smog formation and acid deposition.

(36) "Port" is the port property where marine and port terminals are typically located for the loading and unloading of water-borne commerce onto and from ocean-going vessels. For purposes of this regulation, port does not include port property that is not related to or primarily used to engage in water-borne commerce. Ports covered by this regulation include, but are not limited to, the Port of Long Beach, Port of Los Angeles, Port of Humboldt Bay, Port of San Diego, Port of Hueneme, Port of Oakland, Port of San Francisco, Port of Sacramento, Port of Stockton, Port of Redwood City, Port of Crockett, Port of Richmond, Port of Pittsburg, and the Port of Benicia.

(37) "Port Authority" means those entities, either public or private, that are responsible for the operation of the ports.

(38) "Port Property" means publicly or privately owned property where a port is located. It is the property that includes the physical boundaries, either contiguous or non-contiguous, of the port and may include other properties owned by the port. For the purposes of this regulation, port property includes privately owned property located within a publicly or privately owned port property's boundaries.

(39) "Rail Yard Authority" means those entities, either public or private, that are responsible for the operation of Class I rail yards.

(40) "Rail Yard Property" means the property constituting the physical boundaries of intermodal rail yards. For the purposes of this regulation, rail yard property also includes privately owned property located within intermodal rail yard boundaries.

(41) "South Coast Air Basin" is the boundary as described in title 17, California Code of Regulations, section 60104.

(42) "Uni-Body Vehicles" are vehicles that do not have a separate tractor and trailer and include but are not limited to:

(A) concrete mixers;

(B) on-road mobile cranes;

(C) on-road construction equipment.

(43) "Vehicle" is as defined in Vehicle Code Section 670.

(44) "Verified Diesel Emission Control Strategy (VDECS)" is an emission control strategy that has been verified pursuant to the "Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines" in Title 13, California Code of Regulations, commencing with section 2700, and incorporated by reference.

(45) "Yard Truck" means an off-road mobile utility vehicle used to carry cargo containers with or without chassis; also known as a utility tractor rig (UTR), yard tractor, yard goat, yard hustler, or prime mover.

(d) *Requirements and Compliance Deadlines.* Drayage trucks subject to this regulation must meet the following requirements by the compliance deadlines detailed in both Phase 1 AND Phase 2.

(1) *Phase 1:*

(A) By December 31, 2009, all drayage trucks with a GVWR of greater than 33,000 pounds must be equipped with:

1. 1994-2003 model year engine certified to California or federal emission standards and a level 3 VDECS for PM emissions;

or,

2. 2004 or newer model year engine certified to California or federal emission standards;

(B) After December 31, 2011, all drayage trucks with 2004 model year engines with a GVWR of greater than 33,000 pounds must be equipped with a level 3 VDECS for PM emissions.

(C) After December 31, 2012, all drayage trucks with 2005-2006 model year engines with a GVWR of greater than 33,000 pounds must be equipped with a level 3 VDECS for PM emissions.

(D) After December 31, 2011, all drayage trucks with a GVWR 26,001 to 33,000 pounds must be equipped with a level 3 VDECS for PM emissions while operating in the South Coast Air Basin.

(2) *Phase 2*: After December 31, 2013, all drayage trucks must be equipped with a 1994 or newer model year engine that meets or exceeds 2007 model year California or federal emission standards.

(3) *Drayage Truck Owner Requirements*

(A) Drayage truck owners shall:

1. meet all applicable requirements and deadlines set forth in Phases 1 and 2 above;
2. if an aftermarket level 3 VDECS is installed, be able to demonstrate that:
 - a. the VDECS has been verified by ARB for use with the engine and vehicle, as described in the Executive Order for the VDECS;
 - b. use of the vehicle must be consistent with the conditions of the Executive Order for the VDECS;
 - c. the VDECS is installed in a verified configuration;
 - d. the engine met the engine manufacturer's operational specifications prior to the VDECS installation;
 - e. the VDECS label is visible;
 - f. the level 3 VDECS is mounted in a safe and secure manner on the vehicle consistent with provisions in (3)(A)(2)(c) above, and the fixed position of the level 3 VDECS does not obscure vehicle rear view or side mirror visibility in any way.
 - g. all emission control devices are functioning properly and maintained per manufacturer's specifications;
 - h. in the event of a failure or damage of an aftermarket level 3 VDECS or an OEM equivalent diesel emissions control system while the device is still under warranty, it has taken prompt action to repair or replace the device by the manufacturer or authorized dealer with the same level of VDECS or OEM equivalent diesel emissions control system within 45 days of first noticing or being notified of the failure or damage to the device.
 - i. it has adhered to the terms and conditions in the aftermarket manufacturer or OEM warranty governing the use of the device.
 - j. if the failure or damage to the level 3 VDECS or OEM equivalent diesel emissions control system occurs after expiration of the warranty period, it has taken prompt action to personally repair or replace the failed or damaged device with the same level VDECS

or OEM equivalent diesel emissions control system available for the engine within 90 days of first noticing or being notified of the failure or damage to the device.

k. it has not misused, dismantled, or tampered with any components of the level 3 VDECS or OEM equivalent diesel emissions control system, except for purposes of recommended periodical maintenance by an authorized agent, or when it is necessary to detach the device to service the vehicle.

3. register with the DTR, according to subsection (e);

4. be able to demonstrate that the drayage truck operator has been informed about the information required under subsection (d)(5)(A)(4) for the dispatching motor carrier and instructed to provide such information to any enforcement personnel listed in subsection (i), upon request.

(B) Phase 1 compliance deadline extension:

1. Drayage truck owners may apply for a one-time, one-year, per-truck Phase 1 compliance deadline extension. The compliance deadline application must be either electronically filed or postmarked by June 1, 2009. To receive the Phase 1 compliance deadline extension, a drayage truck owner must demonstrate all of the following:

a. the engine installed on his/her current truck is a California or federally certified 1994-2003 model year engine;

b. the truck was registered with the DTR prior to June 1, 2009;

c. no Level 3 diesel emission control technology verified by ARB for use on that combination of truck and engine was available at the time the extension was filed.

2. Compliance extension applications shall be submitted to ARB at:

CALIFORNIA
AIR
RESOURCES
BOARD
DRAYAGE
TRUCK PHASE
1 EXTENSION,
SSD
P.O. BOX 2815
SACRAMENTO,
CA, 95812

or electronically through ARB's drayage truck website;
<http://www.arb.ca.gov/drayagetruck>

3. If after the one-year extension ARB verified technology is still unavailable, the truck owner must comply with the regulation within 90 days of the expiration of the extension by replacing the existing heavy duty truck and/or engine with a truck or engine that meets or exceeds the Phase 1 requirements.

(4) Drayage Truck Operator Requirements

(A) Drayage truck operators shall, upon request:

1. provide the dispatching motor carrier's contact information as detailed in subsection (d)(5)(A)(4) to authorized enforcement personnel as set forth in subsection (i);
2. identify and provide documentation on the origin and destination of the cargo, chassis, and intermodal equipment (container, etc.) to authorized enforcement personnel as set forth in subsection (i). Documentation can include a Delivery Receipt, Pick Up Receipt, Equipment Interchange Receipt (J-1), Release Number, Bill of Lading or other documentation that identifies the origin and destination of the cargo and pick up/termination destination of the chassis and intermodal equipment.

(5) Motor Carrier Requirements

(A) Each motor carrier shall:

1. provide a copy of this regulation or an ARB approved summarized version to each drayage truck owner that it contracts with for deliveries to ports and intermodal rail yards;
2. only dispatch drayage trucks that meet emission standards and compliance deadlines set forth in Phases 1 and 2 in subsection (d);
3. only dispatch drayage trucks to ports and intermodal rail yards that are registered and in good standing with the Drayage Truck Registry (DTR) and are DTR compliant;
4. demonstrate that it has only dispatched drayage trucks whose operators have been informed to provide the motor carrier information listed below, upon request, to enforcement personnel, as listed in subsection (i).
 - a. the motor carrier's business name;
 - b. contact person's name;
 - c. motor carrier's street address, city, state, and zip code;
 - d. contact person's business phone number.
5. keep a record of all dispatched drayage trucks to a port or intermodal rail yard containing the information set forth in (a) through (d) below for a minimum of five years from the dispatch date. Dispatch records are to be made available to enforcement personnel within 72 hours of an official written or oral request.
 - a. truck dispatch date and time;
 - b. bill of lading or tracking number;
 - c. truck license plate number and issuing state;

d. Drayage Truck Registry number.

(6) Marine or Port Terminals and Intermodal Rail Yard Requirements

(A) Starting September 30, 2009, marine or port terminals and intermodal rail yards shall collect the following information for each drayage truck subject to this regulation that enters the facility that is not DTR compliant as determined by information contained within the Drayage Truck Registry.

1. Dispatching motor carrier:

a. business name of dispatching motor carrier;

b. contact person's name;

c. street address, city, state, zip code of the dispatching motor carrier;

d. phone number of the dispatching motor carrier;

e. bill of lading or tracking number.

2. Drayage truck:

a. entry date and time;

b. registered owner's name;

c. operator's name;

d. operator's license number;

e. drayage truck's license plate number and state of issuance;

f. drayage truck's vehicle identification number (VIN).

All information collected in subsection (d)(6) shall be kept for a period of not less than five years from the truck entry date and is to be made available to enforcement personnel within 72 hours of an official written or oral request.

(B) Marine or port terminals and intermodal rail yards shall report the information collected in subsection (A) above to their respective authorities according to schedule (A) below and in a format acceptable to their respective authority.

Schedule A: Terminal
and Intermodal Rail
Yard Reporting
Schedule

<i>Date Truck Enters</i>	<i>Date by which Information is to</i>
------------------------------	--

<i>Terminal</i>	<i>be</i>
<i>or</i>	<i>Reported</i>
<i>Intermodal</i>	<i>to</i>
<i>Rail Yard</i>	<i>Port or Rail</i>
	<i>Authority</i>
January 1- March 31	April 15
April 1- June 30	July 15
July 1- September 30	October 15
October 1- December 31	January 15

(7) Port Authorities and Rail Yard Authorities Requirements

(A) Port and rail yard authorities shall respectively report the information collected by the port terminals and intermodal rail yards, as detailed in subsection (d)(6), to, and in a manner and format prescribed by, ARB according to Schedule B below. ARB reporting parameters are detailed on ARBs website <http://www.arb.ca.gov/drayagetruck>

Schedule B: Port and Rail Yard Authority Reporting Schedule

Date by which Information is to be Reported to the

California Air Resources Board

May 15

August 15

November 15

February 15

(B) Port and rail yard authorities shall ensure their respective terminals and/or intermodal rail yards abide by all Schedule A reporting deadlines.

(C) Rail yard authorities operating rail yards located greater than 80 miles from the nearest port with less than 100 average daily drayage truck visits for each calendar month starting January 2008, must complete and submit quarterly verification reports according to Schedule B and in a format approved by ARB.

The first quarterly verification report shall include average daily drayage truck visits for each calendar month starting with the effective date of the regulation and submitted to ARB according to schedules A and B above. Subsequent quarterly verification reports shall include average daily drayage truck visits for the three calendar months prior to each reporting date. Quarterly verification reports shall include, but are not limited to, the following information;

1. reporting rail yard authority contact information;
2. rail yard name and address;
3. average daily drayage truck visits by calendar month.

Quarterly verification applications and additional guidelines can be obtained by contacting ARB at:

CALIFORNIA
AIR
RESOURCES
BOARD
RAIL YARD
TRUCK
VERIFICATION,
SSD
P.O. BOX 2815
SACRAMENTO,
CA, 95812

or electronically through ARB's drayage truck website;
<http://www.arb.ca.gov/drayagetruck>

(e) Drayage Truck Registry Requirements.

(1) Truck Owner Requirements

(A) Owners of all drayage trucks doing business at a port or intermodal rail yard prior to September 30, 2009 and intending to continue operations after that date must register with the DTR database by September 30, 2009.

(B) Drayage trucks intending to begin operations at a port or intermodal rail yard after September 30, 2009 must be registered with the DTR database prior to commencing operations.

(C) Owners of all drayage trucks covered by the regulation and doing business at a port or intermodal rail yard must provide the following information to ARB or its designee by mail to the address in subsection (e)(2) or electronically through ARB's DTR website <http://www.arb.ca.gov/drayagetruck>. The information shall include but may not be limited to:

1. truck owner name, address, and contact information (e.g. phone number, email address, fax number);
2. engine make, model, and model year;
3. vehicle identification number (VIN);
4. vehicle license number and state of issuance;

5. compliance status, which shall include:

a. identifying whether the drayage truck has complied with the requirements of Phases 1 and 2, set forth in subsection (d) above;

b. if so, how was compliance achieved (e.g. new compliant truck or description of the level 3 VDECS that was used), who did the installation work, and when was it completed;

c. if not, identifying when the drayage truck is scheduled to come into compliance under Phases 1 or 2.

(D) After filing the initial application, the drayage truck owner shall within 30 days of bringing a truck into compliance with Phase 1 or Phase 2, update the DTR with the vehicle's compliance status information and any other changes to the vehicle's ownership, DMV registration status, or participation status in IRP.

(2) *Mailing Address for Filing Initial Applications and Updates.* Drayage truck owners shall submit DTR applications and any updated information to ARB at:

CALIFORNIA
AIR
RESOURCES
BOARD
C/O DRAYAGE
TRUCK
REGISTRY,
SSD
P.O. BOX 2815
SACRAMENTO,
CA, 95812

(3) Failure to register with the DTR or submittal of false information is a violation of state law and subject to civil or criminal penalty.

(f) *Annual Port or Rail Yard Exemption.*

(1) *Annual Exemption.* An annual exemption may be granted, under limited circumstances, by the ARB Executive Officer to ports or rail yards. An exemption may cover a clearly defined portion or the entirety of a port or rail yard. The Executive Officer will exempt a port or rail yard that is able to demonstrate one or more of the following:

(A) port or rail yard land is not typically used for truck traffic and its primary function or location does not include or attract drayage trucks covered under this regulation (e.g. a shoreline animal sanctuary);

(B) the overwhelming majority of trucks accessing the port or rail yard are exempted under this regulation (e.g. a port where only dedicated auto transports are in service).

(2) *The Exemption Request*

(A) a port or rail yard requesting an exemption shall mail the request to:

CALIFORNIA
AIR
RESOURCES
BOARD
PORT/RAIL
YARD
EXEMPTION,
SSD
P.O. BOX 2815
SACRAMENTO,
CA, 95812

or may send it electronically to ARBs' website <http://www.arb.ca.gov/drayagetruck> using the request form available on the site.

(B) the request must be completed and submitted annually (via the same website or address listed above) no later than January 1 of the year prior to the exemption year (e.g. a 2010 year exemption application must be completed and submitted by January 1, 2009);

(C) the request will be approved or disapproved by the Executive Officer no later than July 1, of the year prior to the exemption year. The Executive Officer will then issue an exemption to be valid for the specified port or rail yard for the specified exemption year.

(g) *Penalties.* Any person who fails to comply with the performance requirements of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to civil or criminal penalties under sections 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, and 43016 of the Health and Safety Code. In assessing penalties, the Executive Officer will consider factors, including but not limited to the willfulness of the violation, the length of time of noncompliance, whether compliance was attempted, and the magnitude of noncompliance.

(h) *Right of Entry.* For the purpose of inspecting on-road vehicles covered in this regulation, and their records to determine compliance with these regulations, an agent or employee of ARB, upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where on-road vehicles are located or on-road vehicle records are kept.

(i) *Enforcement.* Enforcement of this section may be carried out by authorized representatives of ARB, port and rail yard authorities; peace officers as defined in California Penal Code, Title 3, chapter 4.5, sections 830 et seq. and their respective law enforcement agencies; and authorized representatives of air pollution control or air quality management districts.

(j) *Sunset*. Provisions of section 2027 shall sunset on December 31, 2022. Starting January 1, 2023, drayage trucks are subject to the provisions of section 2025 (Regulation to Reduce Emissions of Diesel Particulate Matter, Oxides of Nitrogen and Other Criteria Pollutants, from In-Use Heavy-Duty Diesel-Fueled Vehicles).

(k) *Relationship to Other Law*. Nothing in this section allows drayage trucks to operate in violation of other applicable law, including, but not limited to:

(1) California Vehicle Code;

(2) California Health and Safety Code;

(3) division 3, title 13, California Code of Regulations;

(4) any applicable ordinance, rule, or requirement as stringent as, or more stringent than, than the requirements of subsection (d) of this regulation.

(l) *Severability*. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 39002, 39003, 39500, 39600, 39601, 39602, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 41511, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023 and 43600, Health and Safety Code. Reference: Sections 39002, 39003, 39500, 39600, 39601, 39602, 39602.5, 39650, 39658, 39659, 39666, 39667, 39674, 39675, 41511, 42400, 42400.1, 42400.2, 42402.2, 42410, 43000, 43000.5, 43013, 43016, 43018, 43023 and 43600, Health and Safety Code.

HISTORY

1. New section filed 11-24-2008; operative 12-24-2008 (Register 2008, No. 48).

2. Amendment of subsection (b)(1), new subsections (c)(1)-(c)(1)(C), (c)(10) and (c)(21), subsection renumbering, amendment of newly designated subsections (c)(13) and (c)(15), amendment of subsection (d)(1), new subsection (d)(1)(A)-(C) and redesignation of former subsections (d)(1)(A)-(C) as new subsections (d)(1)(A)1.-3. filed 12-3-2009; operative 1-2-2010 (Register 2009, No. 49).

3. Amendment of section and Note filed 11-9-2011; operative 11-9-2011 pursuant to Government Code section 11343.4 (Register 2011, No. 45).

13 CCR § 2027, 13 CA ADC § 2027