

State of California
AIR RESOURCES BOARD

**Supplement to the Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Response**

PUBLIC HEARING TO CONSIDER THE ADOPTION OF PROPOSED AMENDMENTS
TO THE REGULATION FOR IN-USE OFF-ROAD DIESEL-FUELED FLEETS AND THE
OFF-ROAD LARGE SPARK-IGNITION FLEET REQUIREMENTS

Public Hearing Date: December 17, 2010
Agenda Item No.: 10-11-3
Addendum Prepared: December 14, 2011

As part of the Office of Administrative Law's (OAL) review of the Regulation for In-Use Off-Road Diesel-Fueled Fleets and the Off-Road Large Spark-Ignition Fleet Requirements, title 13, California Code of Regulations (CCR), section 2449, OAL requested further explanation from the Air Resources Board (ARB) of the date changes made to the Final Regulation Order as non-substantive changes.

Nonsubstantial Changes Made to the Final Regulation Order

ARB has authorized OAL to make several nonsubstantial changes to the final regulation order to correct erroneous citations, correct other typographical errors, and make other minor changes in the regulatory text. The changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provisions. Specifically, changes were made to the compliance dates as shown below, because the dates would have had a retroactive effect.

Title 13, CCR, section 2449(b)(34) ~ Change shown in ***Bold Italics Underline***

(34)(36) “**New fleet**” means a fleet that is acquired or that enters California on or after **January 1, 2012** ~~March 1, 2009~~. Such fleets may include new businesses or out-of-state businesses that bring vehicles into California for the first time on or after **January 1, 2012** ~~March 1, 2009~~.

Title 13, CCR, section 2449(d)(4)(A) and (B) ~ Change shown in ***Bold Italics Underline***

(4)(5) **New Fleets**

(A) New large and medium fleets – New large and medium fleets must meet the next large fleet average requirements in sections 2449.1(a)(1) ~~and 2449.2(a)(1)~~ immediately on purchasing vehicles subject to the regulation or bringing such vehicles into the State of California for the first time on or after **January 1, 2012** ~~March 1, 2009~~. New fleets do not have the option of complying with the BACT requirements in sections 2449.1 ~~(b)~~ ~~(a)(2)~~ ~~and 2449.2(a)(2)~~ when they enter the State for the first time. For the next

applicable compliance date that must be met, the new fleet can choose to meet either the fleet average requirements, or comply with the BACT requirements of section 2449.1(b). For example, if a medium fleet enters the State of California on January 1, 2012, it must meet the January 1, 2014, large fleet average requirements immediately upon entering the State. However, the next applicable compliance date for this fleet is not until the first medium fleet compliance date of January 1, 2017, at which time, the fleet may fulfill the compliance requirements by meeting either the fleet average requirements or the BACT requirements.

(B) New small fleets – New small fleets must meet the fleet average requirements in section 2449.1(a)(2) for the next small fleet compliance date immediately upon purchasing vehicles subject to the regulation or bringing such vehicles into the State of California for the first time on or after **January 1, 2012**. New small fleets do not have the option of complying with the BACT requirements in section 2449.1(b) when they enter the State for the first time. For the next applicable compliance date that must be met, the new fleet can meet either the fleet average requirements, or comply with the BACT requirements.

Title 13, CCR, section 2449(d)(6)(B) ~ **Bold Italics Underline**

(B) Ban on adding Tier 1s – Beginning **January 1, 2012**, for large and medium fleets, a fleet may add a vehicle with a Tier 1 engine if and only if the vehicle has an equipment identification number (EIN) that ARB assigned to the vehicle prior to **January 1, 2012**, and both the fleet selling and the fleet purchasing the vehicle with the Tier 1 engine must have reported to ARB by **January 1, 2012**, or have entered the State of California for the first time after **January 1, 2012**. Beginning on January 1, 2013, for large and medium fleets, and January 1, 2016, for small fleets, a fleet may not add any vehicle with a Tier 1 engine. The engine tier must be Tier 2 or higher.