

ATTACHMENT 1

**SECOND 15-DAY CHANGES
PROPOSED MODIFIED REGULATION ORDER**

**Title 13, California Code of Regulations
Division 3: Air Resources Board
Chapter 1: Motor Vehicle Pollution Control Devices**

Amend title 13, California Code of Regulations, section 2025, to read as follows:

NOTE: Set forth below are proposed amendments to title 13, of the California Code of Regulations. Amendments to existing sections proposed and subject to comment during the 45-day Public Notice period in this rulemaking are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. The further proposed amendments subject to comment under the First 15-Day Notice of Modifications are shown in double underline to indicate additions and ~~double strikeout~~ to show deletions. Text that has both single underline and double strikeout is additional text that staff proposed during the 45-day Public Notice period but was proposed for retraction as part of the First 15-day Notice period. The further proposed amendments subject to comment under the Second 15-Day Notice of Modifications are shown in **bold double underline** to indicate additions and ~~**bold double strikeout**~~ to indicate deletions. Text that has both ~~**bold double underline and bold double strikeout**~~ is additional text that staff proposed during the First 15-Day Notice period but is now proposed for retraction under this Second 15-Day Notice. All other portions remain unchanged and are indicated by the symbol “* * * * *” for reference.

Article 4.5.

§ 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* * * * * *
- (b) *Scope and Applicability* * * * * *
- (c) *Exemptions* * * * * *
- (d) *Definitions* * * * * *

(43)(44) “New Fleet” means a fleet of vehicles in a newly formed entity 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.
* * * * *

(e) *General Requirements*
* * * * *

(f) Engine Model Year Schedule Requirements for Lighter Vehicles ~~with a GVWR 26,000 lbs or less~~
* * * * *

(g) Engine Model Year Requirements for Heavier Vehicles ~~with a GVWR greater than 26,000 lbs~~
* * * * *

(h) *Small Fleet Compliance Option*
* * * * *

(i) PM Filter Phase-in Option
* * * * *

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

(k) *Requirements for School Buses*
* * * * *

(l) *Requirements for Drayage Trucks and Utility Vehicles*
* * * * *

(m) *Requirements for Agricultural Fleets*
* * * * *

(n) *Requirements for Heavy Cranes, Single-Engine Sweepers and Two-Engine Sweepers*
* * * * *

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

(p) Exemptions, Delays, and Extensions

* * * * *

(10) Compliance Extension for Owners that Cannot Comply. Economic Hardship Extension.

* * * * *

(G) Labeling Requirements for the Economic Hardship Extension

1. By January 31, 2015, fleet owners must affix or paint an identification label on all trucks in the fleet designated for the extension as follows:

- a. The letters EH 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.

(H)(G) The economic hardship extension cannot be transferred to another vehicle in the fleet, nor to another entity under any circumstance including mergers and acquisitions.

(q) Special Provisions for VDECS and Experimental Diesel Emission Control Strategies

* * * * *

(r) Reporting Requirements

* * * * *

(16) Reporting of Vehicles Utilizing the Exemptions, Delays, and Extensions Provision

* * * * *

(D) Reporting for Economic Hardship Extension

The owner must provide all of the following information to the Executive Officer by January 31, 2015 to demonstrate compliance with the requirements of section 2025(p)(10) and subsequently update the information for items 2025(r)(D)(16)(2):by January 31, 2016:

- 1. Owner, vehicle, engine, and VDECS information listed in sections 2025(4)(5r)(7) through 2025(r)(10):
- 2. Annual financial data starting from January 1, 2012 that includes (a) through (f) below and the source name, type, and date of the source document from which each type of financial data is derived:
 - a. Annual gross revenue.
 - b. Net income.

- c. Debt.
- d. Total net worth.
- e. Number of years in business.
- f. Any bankruptcy or existing tax liens in the year.

3. 4. Signed statement from financial institution and the vehicle owner under penalty of perjury that identifies the information about the quote for the vehicle lease, quote for installation of a PM filter retrofit, and quote for the vehicle purchase that was considered for financing by the lender including information on the following:

* * * * *

(s) *Record Keeping*

* * * * *

(t) *Audit of Records*

* * * * *

(u) *Record Retention*

* * * * *

(v) *Right of Entry*

* * * * *

(w) *Disclosure of Regulation Applicability*

* * * * *

(x) *Compliance Requirement*

* * * * *

(y) *ARB Certificate of Reported Compliance*

* * * * *

(z) *Non-Compliance*

* * * * *

(aa) *Severability*

* * * * *

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, California 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), California Health and Safety Code.