

NONSUBSTANTIVE

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2018-1203-01NP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY California Air Resources Board			

ENDORSED - FILEDIn the office of the Secretary of State
of the State of California**DEC 26 2018****1:41PM**

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Deletion of 2019 Amendments to 13 CCR Section 2025		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2018-1015-01N, 2014-1125-025	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
TITLE(S) 13		AMEND 2025	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify)			
<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Bradley Bechtold		TELEPHONE NUMBER (916) 322-6533	FAX NUMBER (Optional) bradley.bechtold@arb.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE for RWE	DATE 11/30/18
TYPED NAME AND TITLE OF SIGNATORY Steven S. Wiff, Deputy Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**DEC 26 2018**

Office of Administrative Law

LM
per agency
request
12/21/18

NOTICE PUBLICATION/REGULATION SUBMISSION

STD. 400 (REV. 01-2013) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT

When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS

Cal. Code Regs. - California Code of Regulations
Gov. Code - Government Code
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.

FINAL 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 amendments to title 13, of the California Code of Regulations. Amendments to existing sections are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. 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

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 ~~and those described in section 2025(x).~~ 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

* * * * *

(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 in-the-fleet and registered to operate in California on October 1, 2006 with the California Department of Motor Vehicles, or were owned by a in-the-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" * * * * *

(3) "2010 Model Year Emissions Equivalent Engine" * * * * *

(4) ~~"Advanced Technology Vehicle"~~ means one of the following vehicle types with a GVWR greater than 26,000 lbs:

(A) ~~A hybrid vehicle that meets PM BACT and draws propulsion energy from both a consumable fuel and a rechargeable energy storage system, has maximum power available from the rechargeable energy storage system during a standard 10 second pulse power or equivalent test of at least 15 percent of the vehicle's total traction power, and a City Fuel Economy of at least thirty percent greater than that of the equivalent non-hybrid make/model vehicle as determined in accordance with the requirements of Internal Revenue Bulletin 2007-23 (www.irs.gov/irb/2007-23_IRB/ar08.html); or~~

(B) ~~A hybrid vehicle that meets PM BACT and has an on-board electrical energy storage device with useful capacity equivalent to greater than or equal to ten miles of Urban Dynamometer Driving Schedule (UDDS) range on electricity alone, is equipped with an on-board charger, and is rechargeable from an external connection to an off-board electrical source; or~~

(C) ~~A zero emission vehicle that produces no evaporative emissions and does not produce any exhaust emissions while operating, such as a fuel cell or battery electric vehicle.~~

(5)(4) "Agricultural Operations" means:

(A) The activity of growing orand 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

* * * * *

(6)(5) "Agricultural Vehicle" * * * * *

(7)(6) "Alternative Diesel Fuel" * * * * *

(8)(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.

(9)(8) "Alternative-Fueled Engine" * * * * *

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

(11)(10) "California Based Broker" * * * * *

(12)(11) "Commercial Vehicle" * * * * *

(13)(12) "Common Ownership or Control" * * * * *

(14)(13) "Compliance Year" * * * * *

(15)(14) "Compression Ignition Engine" * * * * *

(16)(15) "Dedicated Snow Removal Vehicle" * * * * *

(17)(16) "Diesel Fuel" * * * * *

(18)(17) "Diesel Particulate Filter" * * * * *

(19)(18) "Diesel Particulate Matter (PM)" * * * * *

(20)(19) "Drayage Truck" * * * * *

(21)(20) "Dual-Fuel Engine" * * * * *

(22)(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.

* * * * *

(23)(22) "Emergency Operation" * * * * *

(24)(23) "Emergency Support Vehicle" * * * * *

(25)(24) "Executive Officer" * * * * *

(26)(25) "Farm" * * * * *

(27)(26) "Farming Business" * * * * *

(28)(27) "First Point of Processing" * * * * *

(29)(28) "Fleet" means one or more vehicles, ~~that travel in California in a compliance year and are subject to this regulation that is owned by a person, business, or government agency as defined in California Vehicle Code 460~~ traveling

in California and subject to this regulation. A fleet may fall into one of the following subclassifications:

* * * * *

~~(30)~~(29) "Fleet Owner" means, except as modified below in paragraphs (A) and (B), the person or entity that owns the fleet as defined in 2025(d)(29). For purposes of enforcement, if the operator of vehicle cannot provide evidence of legal ownership as defined in California Vehicle Code 460, then the owner shall be presumed to be 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, or the vehicle title, except as specified in (A), (B) and (C) below:

* * * * *

(B) ~~For vehicles that are rented or leased from a business that is regularly engaged in the trade or business of leasing or renting motor vehicles without drivers:~~

* * * * *

~~(C) A financing company or a person that only provides financing to a third party in the form of "finance leases," as defined in California Uniform Commercial Code Section 10103(a)(7), is not considered to "own" the vehicles that are financed. Similarly, a financing company or a person that only provides financing to a third party for engine replacements or for PM filter retrofits is not considered to be the owner of the engine or retrofit.~~

(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.

~~(31)~~(32) "Governmental Agency" * * * * *

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

~~(32) "Heavier Vehicle" means a vehicle with a gross vehicle weight rating (GVWR) as defined in Veh. Code Section 350 that is greater than 26,000 pounds.~~

~~(33) "Heavy Crane" means an on-road single crane that is certified as power-operated equipment that can hoist, lower, and horizontally move a suspended load, is required to be operated by a licensed crane operator, and has a gross vehicle weight rating of 54,000 pounds or more.~~

(34) "Heavy-Duty Pilot Ignition Engine" * * * * *

(35) "Highest Level VDECS" * * * * *

(36) "Historic Vehicle" * * * * *

(37) "Hubodometer" * * * * *

(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.

~~(38) "Lighter Vehicle" means a vehicle with a GVWR as defined in Veh. Code Section 350 from 14,001 to 26,000 pounds.~~

(39) "Log Truck" * * * * *

(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.

~~(40)~~(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).

- (A) ~~A vehicle that is operated fewer than 1,000 miles within the borders of California in the compliance year, or~~
- (B) ~~Until January 1, 2020, a vehicle that is operated fewer than 5,000 total miles, regardless of where it is operated, in the compliance year.~~
- (41)(42) "Motor Carrier" * * * * *
- (42)(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.
- (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.
- (44)(45) "Non-Commercial Use" * * * * *
- (45)(46) "NOx Exempt Areas" are the following counties – Alpine₁; Amador₁; Butte₁; Calaveras₁; Colusa₁; Del Norte₁; ~~Eastern Kern (portion of Kern County within the Eastern Kern Air Pollution Control District);~~ Glenn₁; Humboldt₁; Inyo₁; Lake₁; Lassen₁; Mariposa₁; Mendocino₁; Modoc₁; Mono₁; Monterey₁; Nevada₁; Northern Sonoma (as defined in title 17, CCR section 60100(e))₁; Plumas₁; San Benito₁; San Luis Obispo₁; Santa Barbara₁; Santa Cruz₁; Shasta₁; Sierra₁; Siskiyou₁; Northern Sutter (portion of Sutter County that is north of the line that extends from the south east corner of Colusa County to the southwest corner of Yuba County); the portion of El Dorado that is within the Lake Tahoe Air Basin; the portion of Placer that is East of Highway 89 or within the Lake Tahoe Air Basin; Trinity₁; Tehama₁; Tuolumne; and Yuba.
- (46)(47) "Person" * * * * *
- (47)(48) "PM BACT" * * * * *
- (48) ~~"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.~~
- (49) "Registered and Driven Safely On-Road" * * * * *
- (50) "Repower" * * * * *
- (51) "Responsible Official" * * * * *
- (52) "San Joaquin Valley Air Basin" * * * * *
- (53) "School Bus" * * * * *
- (54) ~~"Small fleet" means three or fewer diesel vehicles with a GVWR greater than 14,000 lbs that are under common ownership or control even if they are part of~~

~~different companies, subsidiaries, divisions, or other organizational structures of a company or agency, regardless of whether the vehicles operate in California.~~

~~(55)~~(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:

* * * * *

(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; ~~or,~~

~~(F) A cattle livestock truck with a GVWR greater than 33,000 lbs or tractor-trailer combination that exclusively transports cattle, where the truck has a permanently attached livestock module, or where the tractor-trailer combination exclusively tows a trailer with a livestock module.~~

~~(56)~~(55) "Three Day Pass" * * * * *

~~(57)~~(56) "Tier 0 Engine" * * * * *

~~(58)~~(57) "Tier 4 Final Engine" * * * * *

~~(59)~~(58) "Two-Engine Sweeper" * * * * *

(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" * * * * *

(61) "VDECS Failure" * * * * *

~~(62) "Work Truck" means a vehicle that meets one of the definitions in (A) through (E):~~

~~(A) A dump truck that is designed to transport construction materials such as dirt, asphalt, rock or construction debris including a transfer dump truck, or a tractor trailer combination used exclusively to pull bottom dump, end dump or side dump trailers; or~~

~~(B) A truck or truck tractor owned by a company that holds a valid license issued by the California Contractors State License Board that is not for hire; or~~

~~(C) A truck with an attached bed or body that includes but is not limited to a concrete mixer truck, concrete pump truck, a water tank truck, or a single engine crane, except if the truck with an attached bed or body in combination with a trailer transports goods as defined by commercial code section 2105; or~~

~~(D) A truck tractor that exclusively pulls a low-boy trailer, or~~

~~(E) Any truck with a GVWR from 14,001 to 26,000 lbs.~~

(63)(62) "Yard Truck" * * * * *

(e) General Requirements

* * * * *

- (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 compliance options provisions for construction work-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 ~~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 ~~that are under the control of different responsible officials~~ report and ~~comply compliance~~ independently of other vehicles in the ~~fleet owner's~~ 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 ~~owned by the fleet owner~~ 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), ~~or 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 advanced technology 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):

* * * * *

- (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. ~~Once a vehicle has a PM retrofit installed, it may not be removed unless approved by the Executive Officer.~~
- (11) ~~If the calculated number of engines required to be brought into compliance with a percentage for any compliance option, and the result is not equal to a whole number, the number 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.~~

~~(12) In cases where public funds contributed to the purchase of the vehicle, repower of the engine, or retrofit of the engine, the vehicle will not be counted when determining compliance with PM BACT during the period that the funding program does not allow the vehicle to be counted towards compliance, 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 of the fleet that is complying with PM BACT.~~

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

Fleets owners must comply with the schedule in Table 1 for all the lighter vehicles in the fleet with a GVWR 26,000 lbs or less and meet the record keeping requirements of section 2025(s). ~~Fleets owners~~ 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 lighter 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:~~

~~* * * * *~~

- ~~(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, 20202023 as long as the vehicle remains in the fleet, but the The fleet owner must meets the reporting and record keeping requirements of sections 2025(r) and 2025(s) for the vehicle all lighter vehicles in the fleet no later than January 31, 2015.~~

- ~~(3) Fleets owners that comply with Table 1 for some trucks in the fleet may also use the provisions for agricultural vehicles in section 2025(m) or any of the exemptions, delays, and extensions of section 2025(p)(1) through (7) for other lighter trucks in the fleet, except for the following sections that apply only to heavier trucks: 2025(p)(1)(B), 2025(p)(2), Sections 2025(p)(8), 2025(p)(9), and 2025(p)(10) only apply to heavier trucks.~~

- ~~(4) Fleet owners can limit the number of replacements required by Table 1 each year provided the following conditions are met:~~
- ~~(A) The fleet complies with the prior year requirements and the number of lighter trucks in the fleet has not increased since January 1, of the prior year.~~
- ~~(B) At least 2 lighter vehicles and more than 25 percent of the lighter vehicles in the fleet as of January 1 of the prior year, have been retired and replaced with 2010 model year equivalent engines by January 1 of the current year.~~

- (C) ~~The fleet owner must report information about all lighter vehicles that were in the fleet as of January 1 of the compliance year and the prior year. Owners must meet the reporting and record keeping requirements of section 2025(r) and (s) to use this option. 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) ~~Engine Model Year Requirements for Heavier Vehicles with a GVWR greater than 26,000 lbs~~

Fleets owners must comply with the schedule in Table 2 for all heavier-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 ~~Fleet owners 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 owners 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 heavier-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.~~

* * * * *

- (4) ~~Any engine with a diesel particulate filter 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, 2023 as long as the vehicle remains in the fleet. 2020 at which time it must be in compliance with the schedule set forth in Table 2 above. To use the exemption, fleet~~ Fleet-owners choosing this option must comply with the reporting and record keeping requirements of sections 2025(r) and (s) and report no later than by January 31, 2015 ~~2014~~ for all of the heavier-vehicles in the fleet that meet PM BACT.
- (5) ~~Fleets owners may utilize the exemptions and extensions of sections 2025(p) and 2025(m) for heavier vehicles.~~
- (6) ~~Fleets owners may use the extension based on the unavailability of highest level VDECS of section 2025(p)(9) for 1996 model year or newer engines.~~
- (7) ~~Fleet owners can limit the number of replacements required by Table 2 each year provided the following conditions are met:~~

- ~~(A) The fleet complies with the prior year requirements and the number of heavier trucks in the fleet has not increased since January 1, of the prior year.~~
- ~~(B) At least 2 heavier vehicles and more than 25 percent of the heavier vehicles in the fleet as of January 1 of the prior year, have been retired and replaced with 2010 model year equivalent engines by January 1 of the current year.~~
- ~~(C) The fleet owner must report information about all heavier vehicles that were in the fleet as of January 1 of the compliance year and the prior year. Owners must meet the reporting and record keeping requirements of section 2025(r) and (s) to use this option.~~

(h) Small Fleet Compliance Option

In lieu of initially complying with the schedule set forth in Table 2 of section 2025(g), a small fleet, as defined in section 2025(d)(54), 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 heavier vehicles in the fleet with a GVWR greater than 26,000 lbs from January 1, 2014 to January 1, 2018~~6~~. Fleets owners must comply with the record keeping requirements of section 2025(s) starting January 1, 2012 and must meet the reporting requirements of section 2025(r) as long as this option is used 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, 2017~~2015~~.
 - (C) Three vehicles by January 1, 2018~~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.
- ~~(2)(5)~~ All fleet owners must comply with the reporting requirements of sections 2025(r) by and opt-in no later than January 31, 2014.
- ~~(3)(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).
- ~~(4)(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.

~~(5)(8)~~ Fleets using this option may also utilize the exemptions and extensions in section 2025(m) and 2025(p) ~~and can use the extended compliance period of 2025(g)(4).~~

~~(6)(9)~~ ~~Fleets owners~~ 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) PM Filter 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 ~~and credits~~ of this subsection for the heavier vehicles in the fleet with a GVWR greater than 26,000 lbs from January 1, 2012 to January 1, ~~2020~~2016.

- (1) Beginning January 1, 2012, fleets electing vehicle owners that elect 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.

* * * * *

(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.

~~(2)(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. ~~Owners that reported on or before January 31, 2014 and complied with the requirements of 2025(e) since January 1, 2012, remain eligible to use this option.~~

~~(3)(5)~~ ~~Fleets owners~~ that 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) ~~and can use the extended compliance period of 2025(g)(4).~~

~~(4)(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 Advanced Technology Vehicles, Alternative Fueled Vehicles, Vehicles with Heavy-Duty Pilot Ignition Engines, and Early Addition of Newer Vehicles with Original Equipment PM Filters

Fleets ~~owners~~ can take advantage of credits that reduce the number of heavier 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, ~~2018~~2016, a fleet that has fewer heavier 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 ~~today~~ than 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.

* * * * *

- (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 ~~existing~~ 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 heavier 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 ~~until January 1, 2018~~ for each ~~lighter or heavier~~ 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 ~~owner~~ 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 Advanced Technology Hybrid Vehicles, Alternative Fueled Vehicles, and Vehicles with Heavy-Duty Pilot Ignition Engines

~~A compliance credit towards meeting PM BACT for another heavier diesel vehicle in the fleet Credit will be granted for each heavier vehicle added to the fleet since October 1, 2006 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. as follows:~~

- ~~1. Advanced Technology Vehicles until January 1, 2020, and~~
- ~~2. Alternative fueled vehicles, or vehicles that are powered by a heavy duty pilot ignition engine until January 1, 2018.~~
- ~~3. The fleet owner must meet the reporting and record keeping requirements of section 2025(r) and 2025(s) to use the credit.~~
- ~~4. Vehicles with a GVWR between 14,000 lbs and 26,000 lbs that have alternative fuel engines may also earn a credit if added to the fleet prior to July 1, 2011.~~
- ~~5. Any vehicle that is used to claim a credit must be counted when determining the number of vehicles in the fleet.~~

* * * * *

(3) Credit for Early Addition of Newer Vehicles~~Original Equipment~~ PM Filters

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 the 2006 baseline. Until January 1, 2018~~2017~~, the credit can be applied towards meeting the PM BACT requirements of the phase-in option of section 2025(i).

* * * * *

- (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.

* * * * *

(k) *Requirements for School Buses*

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(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)(47)(48), pursuant to the schedule set forth in Table 5 below ~~for the portion of the fleet that has school buses.~~

* * * * *

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

Fleets with fuel efficient ~~advanced technology~~ 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.

* * * * *

(5) Low-use School Buses

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(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 ~~must document and provide upon request the date of exceeding the mileage limit was exceeded.~~

* * * * *

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

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(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)(6)(5), that remains below the annual mileage limits in Table 6 below are exempt from the requirements of section 2025(f) and (g).

* * * * *

- ~~(2) Low mileage agricultural vehicles shall continue to be exempt from the requirements of 2025(f) and (g), so long as they do not exceed:~~
 - ~~(A) 15,000 miles in a compliance year from January 1, 2017 through January 1, 2020; and~~
 - ~~(B) 10,000 miles in a compliance year from January 1, 2020 through January 1, 2023.~~
- (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 through, 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).
- ~~(3)~~(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).
- ~~(4)~~(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).
- ~~(5)~~(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.
- ~~(6)~~(7) The fleet owner may retain the agricultural vehicle extension by replacing an eligible An agricultural vehicle may be replaced by with another vehicle in the fleet 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 is ~~modified so that the body type no longer meets the definition of an agricultural or specialty agricultural vehicle. The vehicle must be replaced and replacement vehicle must be~~ reported within twelve months of the original vehicle being ~~retired~~ 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.

- (7) ~~An agricultural vehicle extension may be transferred to another newer vehicle in the fleet at the beginning of each compliance year before January 31, but the extension may not be transferred after January 31, unless the original vehicle is retired from the fleet. If the vehicle that is using an extension exceeds the allowable mileage limit any time in the applicable year the extension will expire immediately and cannot be used by another vehicle.~~
- (8) When a qualifying agricultural vehicle is replaced, the sum of the miles accrued on the original vehicle in that compliance calendar year, up to the time of replacement, plus the mileage accrued on the replacement vehicle for the remainder of the compliance 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.

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- (10) The agricultural vehicle exemptions are not transferrable to another fleet 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)(55)(54), are exempt from the requirements of sections 2025(f), 2025(g), 2025(h) and 2025(i), until January 1, 2023.
- (B) ~~The number of specialty vehicle extensions that are being used by the fleet owner may not increase from one year to the next, except if adding cattle livestock trucks, as defined in section 2025(d)(55)(F), before January 31, 2015.~~ 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.

- ~~(C)~~ For hire cattle livestock truck owners will only be exempt for a specified spring and fall cattle season during the year and will immediately forfeit the exemption if operating in California outside the specified cattle season.
- ~~1.~~ The spring season will begin May 1 and end June 15, and the fall season will begin October 1 and end November 15.
 - ~~2.~~ The Executive Officer, for good reason or in the event of an emergency (drought, fire, etc.), will be given the authority to alter the dates of the spring and fall season so long as neither period exceeds two calendar months.
 - ~~3.~~ Trucks will need to be labeled with the letters "CS" as specified in the labeling requirements of section 2025(m)(13).
- ~~(D)~~ Owners of cattle livestock trucks that are exclusively operated not-for-hire can operate under the extension all year, but must present a brand certificate to ensure the brand of the livestock being hauled are registered to hauler outside the spring and fall cattle season periods specified in section 2025(m)(11)(C). The truck must be labeled with the letters "AG" as specified in the labeling requirements of section 2025(m)(13).
- ~~(E)~~ Up to 20 cab-over trucks with an attached livestock module that exclusively haul cattle in a for-hire or not-for-hire capacity may operate without seasonal restrictions.
- ~~1.~~ In the event that there are requests for more than 20 extensions, the Executive Officer will issue 1 extension per fleet by random selection until all 20 are taken.
 - ~~2.~~ The truck must be labeled with the letters "AG" as specified in the labeling requirements of section 2025(m)(13).
- ~~(F)~~(D) All vehicles with the body types described in section 2025(d)~~(55)~~(54) that have not been approved by the Executive Officer for have the specialty agricultural vehicle extension 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.
- ~~(G)~~(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 Log Truck Phase-in Option 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 ~~after January 31, 2015.~~

- (A) Fleet owners ~~must~~ may phase in 2010 model year emission equivalent engines according to the compliance schedule shown in Table 7, ~~and must reduce the number of log trucks that can be exempt from the requirements of 2025(e) by an equal number.~~
- (B) ~~Log trucks with 2010 model year emission equivalent engines that are used to meet the log truck phase in option cannot be used to meet PM BACT for compliance with 2025(h), 2025(i), 2025(p)(1)(B), or 2025(p)(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.~~

* * * * *

(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,
 - a. ~~Seasonal cattle livestock trucks approved to operate solely during cattle livestock season as specified in section 2025(m)(11)(D) must permanently affix or paint the letters "CS"~~
 - b. ~~All other specialty agricultural vehicles must permanently affix or paint the letters "AG".~~

* * * * *

(n) *Requirements for Heavy Cranes, Single-Engine Sweepers 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: ~~On the same date that~~

~~the propulsion engine is required to meet PM BACT or to upgrade to a 2010 model year emissions equivalent engine (whichever is earlier), the auxiliary engine must either meet PM BACT or be upgraded to a 2010 model year emissions equivalent engine. The auxiliary engine is not required to be replaced or upgraded if it meets PM BACT. The auxiliary engine must be upgraded by 2014 if the vehicle has a 2007 or newer model year propulsion engine.~~

(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) (A)~~ 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) and record keeping in 2025(s) for sweepers with Tier 0 auxiliary engines.

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

~~(B)~~(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) (C) 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 in the fleet.

~~(D) 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) Heavy Crane Phase-in Option~~

~~Beginning January 1, 2018, fleet owners with heavy cranes as defined in section 2025(d)(33) may opt to have the cranes 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). The owner must comply with the reporting and record keeping requirements of sections 2025(r) and 2025(s).~~

~~(A) Fleet owners may phase in 2010 model year emissions equivalent engines according to the compliance schedule shown in Table 8.~~

~~Table 8: Compliance Schedule for the Heavy Crane Phase-in Option~~

Compliance Deadline as of January 1	Percent of Total Fleet with 2010 Model Year Emissions Equivalent Engines
2018	10%
2019	20%
2020	30%
2021	40%
2022	50%
2023	60%
2024	70%
2025	80%
2026	90%
2027	100%

~~(B) Any heavy crane that meets PM BACT prior to January 1, 2018, will be exempt from the requirement to upgrade to a 2010 model year or newer engine and will be treated as a 2010 model year engine that counts towards meeting the compliance requirement in Table 8.~~

~~(C) Heavy cranes will continue to be counted as vehicles that do not have a PM filter when determining compliance for a fleet of cranes and other trucks in the fleet. The remaining vehicles in the fleet other than heavy cranes, must comply with the requirements of section 2025(e).~~

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

~~* * * * *~~

~~(2) Changes in an Existing Fleet~~

~~(A) Adding Vehicles to an Existing Fleet. Unless the vehicle is has 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.

* * * * *

(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 ~~exemption~~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.

* * * * *

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) ~~by either retiring or retrofitting the non-compliant vehicle with a diesel particulate filter, unless the fleet as a whole remains in compliance for the immediately preceding compliance date. The fleet owner 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*

~~Unless otherwise noted, each January fleet owners may identify which trucks will use any of the exemptions, delays, or extensions in section 2025(p), and must meet all reporting requirements specified in section 2025(r) as long as the options is used and meet the recordkeeping requirements in section 2025(s).~~

(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)(45)(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) ~~Replacement Extension for NOx Exempt Areas. Any heavier vehicle with a GVWR greater than 14,000 lbs that is used exclusively in NOx exempt areas for the compliance year shall meet PM BACT on the schedule specified below in (p)(1)(B). Any lighter or heavier vehicle may also but be exempt from meeting the 2010 model year emissions equivalent requirements of section~~

2025(f) or 2025(g) if the vehicle already meets PM BACT before by the compliance date that the engine would otherwise be required to be upgraded to a 2010 model year emissions equivalent engine as specified in sections 2025(f) and (g).

* * * * *

- (B) ~~PM Filter Phase-in Option for NOx Exempt Areas. Until January 1, 2015,~~ fleet owners that use this option ~~Until January 1, 2014,~~ for their lighter or heavier 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(f), 2025(g), 2025(h) or 2025(i). ~~From January 1, 2015 to January 1, 2020, the fleet of vehicles and must be brought into compliance with PM BACT from 2014 to 2016 as follows:~~
- ~~1. If the fleet owner meets the phase-in schedule in Table 8 for the entire fleet of heavier vehicles, except vehicles that are using the Low-Use Exemption, the remaining heavier vehicles that operate exclusively in NOx Exempt Areas may be exempt from meeting PM BACT or from meeting the requirements of 2025(g) for that year. Any vehicle that meets PM BACT may be counted towards the requirement even if it does not operate exclusively in NOx Exempt Areas.~~
 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).
 - ~~2. If the fleet owner meets the phase-in schedule in Table 8 for the entire fleet of lighter vehicles, except vehicles that are using the Low-Use Vehicle Exemption, the remaining lighter vehicles that operate exclusively in NOx Exempt Areas may be exempt from meeting the requirements of 2025(f) for that year. Any vehicle that meets PM BACT may be counted towards the requirements of Table 8 even if it does not operate exclusively in NOx Exempt Areas.~~
 - ~~3. A one truck owner with a lighter or heavier vehicle that operates exclusively in NOx Exempt Areas must meet PM BACT by January 1, 2017.~~

Table 8: Compliance Schedule for NOx Exempt Area Vehicles Fleets

Compliance Deadline, as of January 1	Percent of Fleet Complying with PM BACT
2014	33%
2015	25-66%
2016	40-100%
2017	55
2018	70
2019	85
2020	100

- 4.2. The fleet owner must meet the reporting requirements of section 2025(r) to use this ~~option~~ compliance exemption, and must either meet the electronic tracking and reporting requirements or meet the vehicle labeling requirements for vehicles that use the extension as specified in section 2025(p)(1)(C) for any vehicle that uses the exemption.
- 5.3. The fleet owner must meet the reporting requirements of section 2025(r) for all the vehicles in the fleet.
- 6.4. 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.
- 7.5. Beginning January 1, 2020, all vehicles must comply with the requirements of section 2025(f) and 2025(g) except for vehicles that meet the requirements for an exemption as specified in section 2025(p)(1)(A) above.
- 8.6. Fleet owners may use the extension of section 2025(p)(9) for any heavier vehicle with a 1996 model year or newer engine that operates exclusively in the NOx exempt areas if the highest level VDECS is unavailable.
- (C) For each compliance year the ~~exemption~~ extensions 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:
- * * * * *
- (D) Vehicles that use the NOx exempt areas ~~exemption~~ extensions may travel outside of the designated NOx exempt areas only for the following purposes: 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.

1. ~~Repairs or maintenance services to the vehicle. The vehicle owner must comply with the record keeping requirements of section 2025(s)(18)(A).~~
2. ~~Emergency operation as defined in section 2025(d)(23). The vehicle owner must comply with the record keeping requirements of section 2025(s)(18)(B).~~

(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 Schedule for Fleets with Low-Mileage Construction Trucks

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

- (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.

~~(2) Low Mileage Work Truck Phase-in Option~~

~~Each January, fleet owners with work trucks as defined in section 2025(d)(62) that will travel less than 20,000 miles in the year may elect to use this option for trucks that were in the fleet on January 1, 2012 or trucks that have a 1996 or newer model year engines. Owners that comply by meeting all of the requirements set forth below do not need to include such vehicles in meeting the fleet requirements of sections 2025(f) through (i).~~

- ~~(A) If the fleet owner meets the compliance schedule in Table 9 for the entire fleet of heavier vehicles, except vehicles that are using the Low-Use Exemption, the remaining heavier low mileage work trucks in the fleet may be exempt from meeting PM BACT or from meeting the requirements of 2025(g) for that compliance year. Any vehicle that meets PM BACT may be counted towards compliance with the schedule in Table 9 even if it is not a low mileage work truck.~~

- (B) ~~If the fleet owner meets the compliance schedule in Table 9 for the entire fleet of lighter vehicles, except vehicles that are using the Low Use Vehicle Exemption, the remaining lighter low mileage work trucks may be exempt from meeting the requirements of 2025(f) for that compliance year. Any vehicle in the fleet that meets PM BACT may be counted towards compliance with the schedule in Table 9 even if it is not a low mileage work truck.~~

*Table 9: Compliance Schedule for
Low Mileage Work Trucks*

<i>Compliance Deadline, as of January 1</i>	<i>Percent of Fleet Complying with PM BACT</i>
2014	33
2015	40
2016	60
2017	80
2018	100

- (C) ~~A one truck owner with a lighter or heavier low-mileage work truck must meet PM BACT by January 1, 2016.~~
- (D) ~~Fleet owners may use the extension based on unavailability of the highest level VDEGS of section 2025(p)(9) for heavier low-mileage work trucks for any 1996 or newer engine model year.~~
- (E) ~~Starting January 1, 2020 the fleet owner must comply with the requirements of sections 2025(f) and 2025(g).~~
- (F) ~~Fleet owners using this option for any heavier vehicles must comply with the reporting and record keeping requirements of section 2025(r) and 2025(s) for the entire fleet of heavier vehicles. Fleet owners using this option for any lighter vehicles must comply with the reporting and record keeping requirements of section 2025(r) and 2025(s) for the entire fleet of lighter vehicles.~~
- (G) ~~Labeling Requirements for Low Mileage Work Trucks~~
- ~~1. By January 31 of the compliance year, fleet owners must affix or paint an identification label on all low mileage work trucks as follows:~~
 - ~~a. The letters WT or 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.~~

* * * * *

(4) *Exemption for Low-Use Vehicles*

- (A) Low-use vehicles as defined in section 2025(d)(40)(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.

* * * * *

3. Low-use vehicles need not be included when determining compliance with ~~the model year schedule requirements of sections 2025(f) and (g),~~ the small fleet compliance option of section 2025(h), ~~NOx Exempt Area extension of section 2025(p)(1)(B), work truck extension of section 2025(p)(2),~~ or the phase-in option of section 2025(i).
- (B) Vehicles used both as an emergency support vehicle as defined in section 2025(d)(24)(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).

* * * * *

(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 ~~compliance~~ calendar year in California without complying with section 2025(e) for the specified three-day period per ~~compliance~~ 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 ~~compliance~~ 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.

* * * * *

- (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 ~~for the given vehicle until May 1 of the compliance year~~ if the VDECS or vehicles have not been received due to manufacturing delays as long as all the conditions below are met:

* * * * *

- (9) *Extension of the PM BACT Compliance Deadline Based on Unavailability of Highest Level VDECS* - If an engine in a heavier vehicle that is required to meet PM BACT ~~of sections 2025(g), 2025(h), or 2025(i)~~ 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).

~~(10) Economic Hardship Extension.~~

~~Fleet owners that are financially unable to bring all of their vehicles into compliance can delay compliance for up to 3 heavier vehicles in the fleet that are required to meet PM BACT of section 2025(g), 2025(h), or 2025(i). The owner must report no later than January 31, 2015 to claim this option. The economic hardship extension will expire on January 1, 2017 when the fleet owner must comply with the requirements of Table 2 in section 2025(g). All of the following conditions must be met:~~

- ~~(A) The vehicle that is required to meet PM BACT to comply with section 2025(g), 2025(h), or 2025(i) was in the fleet on January 1, 2012.~~
- ~~(B) The fleet owner has made every attempt to bring as many other vehicles into compliance as possible, and has documentation of all of the following for the vehicle that cannot be brought into compliance:
 - ~~1. Written price quotes from an authorized VDECS installer for the purchase and installation of a PM filter retrofit; and~~
 - ~~2. Written price quote from a vehicle dealer for a suitable replacement vehicle that has a 1996 or newer engines that meets PM BACT and has the same configuration and body type as the existing truck; and~~
 - ~~3. A written estimate from a leasing entity for a 1 to 3 year vehicle lease for a replacement vehicle with the same configuration and body type as the existing vehicle. In the case of specialized vehicles that are not available for lease, the owner must provide an explanation of why leased vehicles are not available.~~~~
- ~~(C) The owner must submit annual financial data since January 1, 2012 such as annual revenue, debt, total assets, credit score and other financial information as specified in section 2025(r)(16)(D) and must keep copies of supporting documentation as specified in section 2025(s)(19). The records must substantiate the claim that the owner does not have the financial means to follow through with any of the compliance options in 2025(p)(10)(B). The owner must submit a signed statement under penalty of perjury, that the owner does not have the financial means from personal and business accounts to bring any more vehicles into compliance, and the owner has not been approved for a loan since January 1, 2014 from any entity that could be used to bring the fleet into compliance.~~
- ~~(D) The fleet owner must also make a diligent effort to obtain financing for a loan between July 1, 2014 and December 31, 2014 from a national or state chartered financial institution that commonly finances trucks or retrofit PM filters. The applicant must apply to a lender that is participating in the California Capital Access Program, or must explain why a California Capital~~

~~Access Program lender could not be used. The owner must provide all of the following to the lender when applying for a loan:~~

- ~~1. A complete loan application that identifies the vehicle that must be brought into compliance; and~~
- ~~2. Sufficient financial documentation for the lender to determine the owner is financially unable to be approved for a loan; and~~
- ~~3. The existing vehicle is included in the application as collateral or would be sold for a down payment; and~~
- ~~4. The price quotes or estimates for the compliance options specified in in 2025(p)(10)(B).~~

~~The owner will need to obtain a copy of the credit report and a signed statement from the lender, under penalty of perjury, that confirms the lender has received all of the information in items 2025(p)(10)(D)(1) to (4) above, and has determined the applicant does not qualify for any loan the lender offers to bring the fleet into compliance with any of the options the owner could use to comply.~~

~~(E) The vehicle that uses the economic hardship extension will continue to be counted the same as a vehicle that does not have a PM filter when determining compliance with compliance options other than 2025(g).~~

~~(F) After January 1, 2015, the fleet owner cannot retain the extension if the number of PM filters in the fleet is reduced, unless the vehicle that has a PM filter was rendered inoperable. Each vehicle added to the fleet must have a 1996 or newer engine that meets PM BACT and for each vehicle added one vehicle that is operating under the economic hardship extension must immediately be scrapped. The vehicle cannot continue to be operated in the fleet, except in the event the vehicle is awaiting sale as specified in section 2025(p)(6).~~

~~(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*

* * * * *

(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:

* * * * *

~~(C) Recalled VDECS that cannot be repaired. If an installed VDECS is subject to a recall (as defined in Title 13, CCR Section 2701 (a)(35)), and the retrofit manufacturer is unable to replace or repair the recalled VDECS and does not reimburse the fleet owner, the fleet owner may continue to operate the affected vehicle up to five years from the date of the recall according to the conditions specified in the recall notice as long as the vehicle remains in the fleet. During the five year period, the vehicle will continue to be counted towards compliance the same as when the VDECS was originally installed. The fleet owner must meet the record keeping requirements of section 2025(s)(14)(B).~~

* * * * *

(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)(29)(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 requirementsprovisions 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 work trucks of section 2025(p)(2), or the extension for economic hardship of section 2025(p)(10). 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)(29)(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)(12) for the low-use vehicles meeting the definition in section 2025(d)(40)(41).

* * * * *

- (7) *Owner Contact Information:* Compliance reports must include the following information:

* * * * *

~~(M) Whether the fleet meets the Small Fleet definition of 2025(d)(54);~~

~~(N)~~(M) License number issued by the Public Utilities Commission (if applicable).

(8) *Vehicle Information*

* * * * *

(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, or other body type;

(I) ~~The date the vehicle was purchased or placed in service.~~ If the vehicle was added to the fleet prior to January 1, 2012, the fleet owner may enter "January 1, 2012;

* * * * *

(K) Whether the vehicle will be designated as a low-use vehicle as defined in section 2025(d)(40)(41);

* * * * *

(M) Whether the vehicle is an fuel efficient hybrid vehicle ~~advanced technology vehicle~~ as defined in section 2025(d)(4)(31);

(N) Whether the vehicle is propelled by an alternative-fueled engine as defined in section 2025(d)(9)(8);

* * * * *

(P) Whether the fleet size is more than three vehicles subject to the regulation with a GVWR greater than 14,000 lbs;

(Q~~P~~) Whether the vehicle is a log truck utilizing the optional phase-in for Log Trucks provision in section 2025(m)(12);

(R~~Q~~) Whether the vehicle is a low-mileage construction work-truck that will use the extension for low-mileage construction work-trucks specified in section 2025(p)(2); and

(S~~R~~) Whether the vehicle was partially paid for with public funds, and if so, the information about the funding contract ~~dates~~ specified in section 2025(r)(18).

* * * * *

(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:

* * * * *

(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;

(DG) 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;

(ED) 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 an electronic tracking system as defined in section 2025(d)(22)(21) that can acquire date, time, engine-on, and location data. The owner may use other documentation of vehicle operation and location, such as International Registration Plan IRP records;

(EE) Whether the vehicle is used as an emergency support vehicle as defined in section 2025(d)(24)(23); and, if so, the fleet owner must report the information in section 2025(r)(15); and

(GF) 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 Vehicles with Original Equipment PM Filters~~ Newer Vehicles Early Reporting*

* * * * *

(14) *Agricultural Fleet Reporting*

Until January 1, 2023, fleet owners that reported as of ~~January 31, 2015~~ 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 compliance year:

* * * * *

- (D) The vehicle body type if one of the body types described in the definition of specialty agricultural vehicle in section 2025(d)(55)(54);

* * * * *

(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 of the compliance year:

(A) *Vehicles Operating Exclusively in NOx-exempt areas*

* * * * *

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)(22)(21) and provide the information listed therein; and

* * * * *

~~(C) *Low Mileage Work Truck Extension Reporting*~~

~~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)(2):~~

- ~~1. Owner, vehicle, engine information, and VDECS listed in sections 2025(r)(5) through 2025(r)(10);~~
- ~~2. If the vehicle is not a truck tractor that exclusively pulls a dump or lowboy trailer, a valid California Contractors State License Board license number.~~
- ~~3. Mileage from a properly functioning odometer taken on January 1 of the compliance year. 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.~~

~~(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(r)(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. ~~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:~~
 - a. ~~Existing truck (VIN, make, model, body type).~~
 - b. ~~Truck subject of loan (VIN, make, model, body type) or retrofit filter if loan is for filter (family name and installer).~~
 - c. ~~Name of lender including address and phone number.~~
 - d. ~~Name of lender's qualified loan representative.~~
 - e. ~~Credit/FICO score of applicant (including date report was run).~~
 - f. ~~Loan terms (payment period, interest rate, amount of loan applied for).~~
 - g. ~~Whether lender is a California Capital Access Program participant.~~
 - h. ~~Statement that lender has determined that the applicant (owner) does not qualify for any financing options the lender offers~~
 - i. ~~The names and contact information from the retrofit installer, the leasing entity, and truck dealer that provided quotes.~~

(17) *Two-Engine Sweepers Reporting*

* * * * *

- (C) For Tier 0 auxiliary engines, the hours of use readings taken January 1 and December 31 of each year starting from 2010 to 2014. After 2014, the vehicle owner will need to keep records to document usage below the 100 hour annual limit.

(18) *Vehicles Purchased, Repowered, or Retrofitted Using Public Funds*

* * * * *

- (C) Date the contractor emissions surplus contract period ends or ended allows the vehicle or retrofit to be used towards compliance;

(19) ~~Claiming~~Reporting to Claim 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.

* * * * *

(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 all ~~the vehicles in the fleet~~ and the vehicles that meet PM BACT prior to January 1, 2014:

* * * * *

(25) *Reporting for ~~the Small Fleets~~ Option*

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 heavier 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).

* * * * *

(s) *Record Keeping*

- (1) The owner of a fleet shall maintain the following records specified in sections 2025(s)(3) through 2025(s)(~~18~~)(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).

* * * * *

(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) and provide them upon request of the Executive Officer.

* * * * *

(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. ~~The documentation shall include the name and contact information of the hiring business entity and vehicle information including license plate number, and other information.~~

(5) *Agricultural Fleets*

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- (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 compliance calendar year was used exclusively to deliver such products to farms.

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- (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 ~~International Registration Plan~~ IRP records, GPS tracking records, or DMV or law enforcement permits.

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- (9) *Electronic Tracking* – For fleets using electronic tracking systems as defined in section 2025(d)(22)(21) summary and detailed records must be kept at the business office or terminal location for the fleet. The records must provide;

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(14) *Maintenance of VDECS Records*

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- (B) ~~Recalled VDECS Documentation.~~ 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 VDECS manufacturer affirming that the installed VDECS was recalled and could not be replaced or repaired;~~
 2. ~~The date the device was removed or altered to meet the conditions specified in the recall notice;~~
 3. ~~Description of VDECS recalled;~~
 4. ~~Recalled VDECS family name; and~~
 5. ~~Serial number of recalled VDECS.~~

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- (16) *Low-use Vehicles* – Fleet owners of low-use vehicles that exceed 1,000 miles per year the annual mileage threshold 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.

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- (18) ~~NOx Exempt Area Vehicles~~ – Fleet owners of vehicles operated exclusively in NOx Exempt Areas, as defined in section 2025(d)(45), shall;
- (A) ~~Maintain records of repairs or other services to the vehicle that have taken place outside of the NOx exempt areas, including work orders from the facility that describes the service, date of the service, and location of the facility.~~
- (B) ~~Keep records of emergency operation outside of NOx exempt areas pursuant to section 2025(s)(15).~~
- (19) *Economic Hardship Extension* – Fleet owners claiming the economic hardship extension of 2025(p)(10) must keep records of the following and make it available upon request:
- (A) ~~Tax records or other financial documents since January 1, 2012; and~~
 - (B) ~~Application and supporting documentation used to apply for the loan; and~~
 - (C) ~~Notice of denial from the lender and a signed statement from the lender that confirms the loan application met the criteria specified in 2025(p)(10)(B); and~~
 - (D) ~~Credit report provided by the lender at the time of loan application; and~~

- ~~(E) Documentation about the vehicle that was the subject of the loan; and~~
- ~~(F) Quotes or cost estimates from a dealer, retrofit installer, and leasing entity that was used to apply for financing; and~~
- ~~(G) Any other records that were cited as sources of the financial data that was provided to claim the extension.~~

(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. Submitting false information to ARB is a violation of this regulation and violators will be subject to penalty.

(u) *Record Retention*

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(v) *Right of Entry*

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(w) *Disclosure of Regulation Applicability*

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(x) *Compliance Requirement*

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(y) *ARB Certificate of Reported Compliance*

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(z) *Non-Compliance*

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(aa) *Severability*

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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.