

NOTICE PUBLICATION/REGULATORY SUBMISSION

(See instructions on
reverses)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-1120-04	REGULATORY ACTION NUMBER 2019-0619-03 SR	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

JUN 25 2019
1:41 PM

2019 JUN 19 P 1:35
OFFICE OF
ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Air Resources Board

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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) Amendments to Solid Waste Collection Vehicles Regulation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2019-0403-03S
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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 2021.2, 2021.3 AMEND 2021, 2021.2 (renumbered to 2021.1) REPEAL 2021.1
TITLE(S) 13	

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

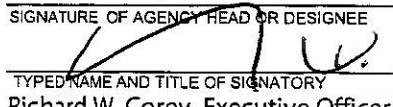
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) May 29, 2019 - June 13, 2019

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 type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>July 1, 2019</u>

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" 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 322-6533	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) bradley.bechtold@arb.ca.gov
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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 	DATE 6/17/2019
TYPED NAME AND TITLE OF SIGNATORY Richard W. Corey, Executive Officer	

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ENDORSED APPROVED**JUN 25 2019****Office of Administrative Law**

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

For the Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles

Amend sections 2021 and 2021.24, title 13, ~~California Code of Regulations~~, and adopt sections 2021.2 and 2021.3, and repeal section 2021.1, title 13, California Code of Regulations, to read as follows:

[Note: Set forth below are the proposed amendments to title 13, California Code of Regulations (CCR), sections 2021, ~~and 2021.1~~, along with ~~proposed new sections 2021.2, and 2021.3~~. Proposed amendments to existing section are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions.

§ 2021. Solid Waste Collection Vehicles and Heavy Cranes.

- (a) Scope and Applicability. ~~Sections 2021 and 2021.1 shall apply to municipalities that have a contract with owners for residential and commercial solid waste collection service.~~ Sections 2021, and 2021.21, and 2021.3 shall apply to solid waste collection vehicle owners, both private and government entities. These regulations mandate the reduction of diesel particulate matter emissions from 1960 to 2006 model year engines in on-road diesel-fueled heavy-duty residential ~~and or~~ commercial solid waste collection vehicles with a manufacturer's gross vehicle weight rating greater than 14,000 pounds. Sections 2021, 2021.2, and 2021.3 shall apply to any person, business, or federal government agency that owns or operates, leases, or rents, diesel-fueled single engine on-road heavy cranes as defined in section 2021(b)(16) with a manufacturer's gross vehicle weight rating of 54,000 pounds or more that operate in California. Sections 2021, 2021.1, 2021.2, and 2021.3 also apply to persons that sell heavy cranes or solid waste collection vehicles in California.
- (b) Definitions. ~~The definitions in section 2020 shall apply to sections 2021, 2021.1, and 2021.2. In addition, t~~The following definitions apply ~~only to sections 2021, 2021.1, and 2021.2, and 2021.3.~~

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

~~"Backup vehicle" means a collection vehicle that is driven fewer than 1000 miles annually.~~

- (1) "2010 Model Year Emissions Equivalent Engine" means emissions from:
- (A) An engine certified to the 2004 through 2006 model year heavy-duty diesel engine emissions standard that is equipped with the highest level Verified Diesel Emission Control Strategy (VDECS)

and reduces NOx emissions by at least 85 percent; or

- (B) An engine that was built to the 2004 engine emission standard and was not used in any manufacturer's averaging, banking, or trading program that is equipped with the highest level VDECS and reduces NOx exhaust emissions by at least 85 percent; or
- (C) An engine certified to the 2007 model year heavy-duty diesel engine emissions standard that meets Particulate Matter (PM) Best Available Control Technology (BACT) and reduces NOx exhaust emissions by more than 70 percent; or
- (D) A heavy-duty engine certified to 0.2 g/bhp-hr or less NOx emissions level and 0.01 g/bhp-hr or less PM emissions level.

- (2) "Compliance Year" means January 1 through December 31 of a calendar year.
- (3) "Contract" means an agreement between an owner and a municipality to perform residential or commercial solid waste collection services, in which the contractor's compensation for providing services, or a formula for determining compensation, is specified.
- (4) "Contractor" means an owner with a contract as defined in this section 2021(b)(3).
- (5) "Diesel Fuel" has the same meaning as defined in sections 2281 and 2282.
- (6) "Diesel Particulate Matter (PM)" means the particles found in the exhaust of diesel fueled compression ignition engines. Diesel PM may agglomerate and adsorb other species to form structures of complex physical and chemical properties.
- (7) "Emergency operation" means operation of an authorized emergency vehicle or emergency support vehicle to help alleviate an immediate threat to public health or safety. Examples of emergency operation include vehicles used at an emergency event to repair or prevent damage to roads, buildings, terrain, and infrastructure as a result of an earthquake, flood, storm, fire, terrorism, or other infrequent acts of nature. Emergency operation includes authorized emergency vehicle and emergency support vehicle travel to and from an emergency event when dispatched by a local, state, or federal agency. Routine operation to prevent public health risks does not constitute emergency operation.
- (8) "Emergency support vehicle" means a vehicle, other than an authorized emergency vehicle as defined in California Vehicle Code section 165,

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that has been dispatched by a local, state, or federal agency that is used in connection with an emergency operation.

- (9) "Executive Officer" means the Executive Officer of the California Air Resources Board (CARB) or his or her authorized representative.
- (10) "Exemption for Vehicles Awaiting Sale" means vehicles in the possession of dealers, financing companies, or other entities such as auction houses, that do not intend to operate the vehicle in California or offer the vehicle for hire for operation in California, and that are operated only to demonstrate functionality to potential buyers or to move short distances while awaiting sale for purposes such as maintenance or storage. These vehicles are exempt from all requirements in sections 2021.1 and 2021.2.
- (11) "Fleet" means one or more diesel vehicles that travel in California in a compliance year that are owned by a person, business, or agency as defined in California Vehicle Code section 460. A fleet may fall into one of the following subclassifications:
 - (A) "Federal Fleet" means a fleet of vehicles owned by a department, agency, or instrumentality of the federal government of the United States of America and its departments, divisions, public corporations, or public agencies including the United States Postal Service. With respect to the Department of Defense and its service branches, federal fleets may be managed regionally, locally, or a combination of regional and local management. There may be multiple federal fleets within a military service or an installation; or
 - (B) "Rental or Leased Fleet" means a fleet of vehicles owned by a person (rental or leasing entity) for the purpose of renting or leasing, as defined in California Uniform Commercial Code section 10103(a)(10), such vehicles to other persons (renters or lessees) for use or operation.
- (12) "Fleet Owner" means the person or entity that owns the fleet as defined in section 2021(b)(11). For purposes of enforcement, if the operator of the vehicle cannot provide evidence of legal ownership as defined in California Vehicle Code section 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 or the vehicle title, except as specified below:
 - (A) For vehicles that are owned by the federal government and not registered in any state or local jurisdiction, the owner shall be the department, agency, branch, or other entity of the United States,

including the United States Postal Service, to which the vehicles in the fleet are assigned or which have responsibility for maintenance of the vehicles.

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

1. The owner shall be presumed to be the rental or leasing entity for purposes of compliance with sections 2021, 2021.1, 2021.2, and 2021.3, if:

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

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

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

(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.

(13) "Garbage-packer vehicle" means a vehicle specially designed to collect and compact residential or commercial solid waste on the vehicle for purposes of transportation and disposal. These include but are not limited to vehicles commonly referred to as front loader, rear loader, and automated and semi-automated side loaders.

~~"Residential and commercial solid waste" means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances,~~

manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.

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

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- (14) "Garbage-Roll off vehicle" means any heavy-duty vehicle used for transporting waste containers such as that is designed to drop off and pick up open boxes or compactors other containers that may be removed from the tractor are commonly used to collect residential and commercial solid waste at a site.
- (15) "Gross Vehicle Weight Rating" (GVWR) means the same as defined in California Vehicle Code section 350. GVWR represents the maximum weight of the vehicle and what it can carry when fully loaded.
- (16) "Heavy Crane" means an on-road single engine 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. A heavy crane is not designed to transport cargo.
- (17) "Hubodometer" means a non-resettable device mounted on the axle of a vehicle that measures distance traveled that has a serial number and a lock-out feature that permanently prevents tampering.
- (18) "Low use vehicle" means a collection vehicle or a heavy crane that is driven fewer than 1,000 miles annually in California. To be considered a low use vehicle, the fleet owner must have a properly functioning odometer or hubodometer. Vehicles used as an emergency support vehicle as defined in section 2021(b)(8) do not need to consider the mileage the vehicle accrues when used for emergency operations as defined in section 2021(b)(7) in determining whether the vehicle meets the definition of a low use vehicle.
- (19) "Motor Carrier" means the same as defined in California Vehicle Code section 408.
- (20) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

- (21) "PM BACT" means the technology employed on the highest level Verified Diesel Emission Control Strategy (VDECS) for PM or an engine that is equipped with an original equipment manufacturer (OEM) diesel particulate filter and certified to meet the 0.01 g/bhp-hr certification standard.
- (22) "Residential or commercial solid waste" means all putrescible and nonputrescible solid, and semisolid wastes, including garbage, trash, refuse, rubbish, ashes, yard waste, recyclable materials, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes originating from single-family or multiple family dwellings, stores, offices, and other commercial sources, and construction and demolition projects in residential and commercial zones, not including hazardous, radioactive, or medical waste.
- (23) "Responsible Official" means one of the following:
- (A) For a corporation: A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, their delegate, designee, or any other person who performs similar policy or decision-making functions for the corporation;
 - (B) For a partnership or sole proprietorship: A general partner or the proprietor, respectively;
 - (C) For a municipality, state, federal, or other governmental agency: Either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of the U.S. EPA). For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization.
- (24) "Retired" means a vehicle that has been sold, junked, or has been transferred out of California.
- (25) "Solid waste collection vehicle or collection vehicle" means an on-road heavy-duty vehicle with a manufacturer's gross vehicle weight rating of greater than 14,000 pounds used for the purpose of collecting residential and commercial solid waste for a fee, including roll-off vehicles and is a

garbage-packer vehicle or is a garbage-roll off vehicle.

- (26) "Verified Diesel Emission Control Strategy" (VDECS) means an emission control strategy, designed primarily for the reduction of diesel PM emissions, which has been verified pursuant to the Verification Procedures, sections 2700 through 2711. VDECS can be verified to achieve Level 1 Diesel PM reductions (25 percent), Level 2 Diesel PM reductions (50 percent), or Level 3 Diesel PM reductions (85 percent). VDECS may also be verified to achieve NOx reductions.

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

(c) General Requirements.

- (1) Leased Vehicle Responsibility. The responsibility of compliance will be with the lessor unless the contract for the lease of a vehicle that is entered into with an effective date of July 1, 2019 or later clearly specifies the responsibility will be that of the lessee for the duration of the lease.
- (2) Information regarding solid waste collection vehicles and heavy cranes must be reported to the Executive Officer as specified in section 2021.3(a) and records must be kept as specified in section 2021.3(b).
- (3) If the number of engines required to be brought into compliance with a percentage for any compliance option is calculated and the result is not equal to a whole number, the fleet 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.
- (4) 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, nor shall the engine be included in the total fleet for purposes of determining the percent of the fleet that is complying with fleet requirements pursuant to section 2021.2(a).
- (5) VDECS Failure or Damage. In the event of a failure or damage of a diesel emission control strategy, the fleet owner must comply with PM BACT within 90 days of the failure or damage.
- (6) 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 pursuant to Verification Procedure, Warranty and

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In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines (Verification Procedure), sections 2700 through 2711.

- (7) Record Retention. If the fleet contains one or more vehicles with a model year engine older than 2010, the fleet owner or responsible person shall maintain the records required by section 2021.3 for each vehicle for the duration in which they own the vehicle and for 3 years after the vehicle is retired, and for the overall fleet, for as long as the owner has a fleet. If fleet ownership is transferred, the seller shall transfer the fleet records to the buyer. Dealers must maintain records required by section 2021(c)(9) for three years after the sale.
- (8) Right of Entry. For the purpose of inspecting vehicles subject to this regulation and their records to determine compliance with this regulation, an agent or employee of CARB, upon presentation of proper credentials, has the right to enter any facility (with any necessary safety clearances) where vehicles are located or vehicle records are kept.
- (9) Disclosure of Regulation Applicability. Any person residing in California selling a vehicle with an engine subject to this regulation must provide the following disclosure in writing to the buyer on the bill of sale, sales contract addendum, or invoice, "An on-road heavy-duty diesel or alternative-diesel vehicle operated in California may be subject to California Air Resources Board regulations to reduce diesel emissions. For more information, please visit the California Air Resources Board website at <https://www.arb.ca.gov/msprog/SWCV/SWCV.htm>."
- (10) Requirement to Verify Compliance of a Fleet

 - (A) Any in-state or out-of-state motor carrier, California broker, or any California resident who operates or directs the operation of any vehicle subject to this regulation shall verify that each hired fleet is in compliance with the regulation and must comply with the record keeping requirements of section 2021.3(b) to show proof that compliance was verified.
 - (B) Compliance shall be accomplished by keeping a copy of the Certificate of Reported Compliance at the business location.
- (11) CARB Certificate of Reported Compliance. After the required fleet information is reported as required by section 2021.3(a), CARB will make available a Certificate of Reported Compliance for fleets that demonstrate compliance. CARB staff will also post online the name and motor carrier number for fleets that have reported compliance.
- (12) Non-Compliance. Any person who fails to comply with the requirements

of subsection (c) of this regulation, who fails to submit any information, report, or statement required by this regulation, or who knowingly submits any false statement or representation in any application, report, statement, or other document filed, maintained, or used for the purposes of compliance with this regulation may be subject to civil or criminal penalties under sections 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, and 43016, of the Health and Safety Code. In assessing penalties, the Executive Officer will consider factors, including but not limited to the willfulness of the violation, the length of time of noncompliance, whether the fleet made an attempt to comply, and the magnitude of noncompliance.

- (13) Severability. If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the regulation.

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NOTE: Authority cited: Sections 39600 and, 39601, 39666, 39667 and 43013, Health and Safety Code. Reference: Sections 39002, 39003, 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39665, 39666, 39667, 39668, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 43000, 43013, 43016, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

~~Section 2021.1. Methods for Determining Compliance for a Municipality that Contracts with Owners for Solid Waste Collection.~~

- (a) ~~Compliance Requirement. A municipality shall include language requiring the contractor be in compliance with all applicable air pollution control laws in any new contract that has an effective date of December 31, 2004 or later.~~
- (b) ~~Reporting Requirement. A municipality shall submit an annual report to the Executive Officer by January 31, 2005, and by each January 31 through 2013, as described below:~~
- (1) ~~A listing of its contractor(s) as of January 1 of each applicable year, and including the following information:~~
- (A) ~~Municipality name, address, telephone number, fax number, contact name and electronic mail address;~~
- (B) ~~For each contract, the contractor name, owner name, contact name, if different from owner name, business address, business telephone number, business fax number, contact electronic mail address, and the address of each terminal in the jurisdiction that houses collection vehicles, serving the municipality.~~
- (c) ~~Non-Compliance. Any violations of this section may carry civil~~

penalties as specified in state law and regulations.

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

Section 2021.2. ~~Methods for Determining Compliance for an Owner of~~
Section 2021.1. Solid Waste Collection Vehicles Compliance Requirements.

(a) ~~Compliance Requirements. Beginning with the applicable effective dates,~~
aAn owner who operates an active a fleet of one or more solid waste collection vehicles is required to comply with this diesel particulate matter control measure PM BACT for each solid waste collection vehicle in the fleet unless the vehicle is complying with section 2021.1(b). Compliance requires all of the following:

(b) Exemption for Low Use Solid Waste Collection Vehicles

(1) Low use solid waste collection vehicles as defined in section 2021(b)(18) are exempt from the requirements of section 2021.1(a). The owner must comply with the reporting and record keeping requirements specified in sections 2021.3(a) and 2021.3(b).

(2) Low use solid waste collection vehicles that exceed 1,000 miles in any compliance year must immediately be brought into compliance by meeting PM BACT as specified in section 2021.1(a) or removing the vehicle from the fleet.

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

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

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

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

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

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

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long as the owner is operating the collection vehicle in California.

- (b) ~~Best Available Control Technology. Each owner shall use one of the following best available control technologies on each engine or collection vehicle in his fleet as required by the implementation schedule in subsection (c):~~
- (1) ~~An engine or power system certified to the optional 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a)(2), or the 0.01 g/bhp-hr particulate emission standard as specified in title 13, California Code of Regulations, section 1956.8(a), when effective; or~~
 - (2) ~~An engine or power system certified to the 0.1 g/bhp-hr particulate emission standard, as specified in title 13, California Code of Regulations, section 1956.8, used in conjunction with the highest level diesel emission control strategy as defined in subsection (b)(4) applied by the implementation schedule in subsection (c); or~~
 - (3) ~~An alternative fuel or heavy duty pilot ignition engine; model year 2004–2006 alternative fuel engines must be certified to the optional, reduced emission standards as specified in title 13, California Code of Regulations, section 1956.8(a)(2)(A); or~~
 - (4) ~~The highest level diesel emission control strategy per title 13, California Code of Regulations, section 2702 (f), Table 1, that is verified for a specific engine to reduce diesel particulate matter and which the diesel emission control strategy manufacturer or authorized dealer agrees can be used on a specific engine and collection vehicle combination, without jeopardizing the original engine warranty in effect at the time of application.~~
- (c) ~~Implementation Schedule. The owner shall comply with the schedule in Table 1—Implementation Schedule for Solid Waste Collection Vehicles, Model Years 1960 to 2006, for the specified percentage of collection vehicles by each applicable compliance deadline.~~

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

Group	Engine Model Years	Percentage of Group to Use Best Available Control Technology	Compliance Deadline
4	1988—2002	10	December 31, 2004
		25	December 31, 2005
		50	December 31, 2006
		100	December 31, 2007
2a ^a	1960—1987 (Total fleet ≥ 15	15	December 31, 2005
		40	December 31, 2006

	collection vehicles)	60 80 100	December 31, 2007 December 31, 2008 December 31, 2009
2b	1960—1987 (Total fleet < 15 collection vehicles)	25 50 75 100	December 31, 2007 December 31, 2008 December 31, 2009 December 31, 2010
3	2003—2006 (Includes dual fuel and bi-fuel engines)	50 100	December 31, 2009 December 31, 2010

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

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

$$\text{\#SWCV} = \text{\#Engines} + \text{TotRetire}$$

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

$$\text{TotVeh} = (\text{Group}\% \text{BACT}) \times (\text{\#SWCV})$$

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

$$\text{TotAddComp} = \text{TotVeh} - \text{TotRetrofit} - \text{TotRetire}$$

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

- (D) ~~If the TotVeh or TotAddComp is not equal to a whole number of collection vehicles, the owner shall round up to the nearest collection vehicle when the fractional part of TotAddComp is greater than or equal to one-half of a collection vehicle, and round down to the nearest collection vehicle when the fractional part of TotAddComp is less than one-half of a collection vehicle.~~
- (d) ~~Compliance Extensions. An owner may be granted an extension to a compliance deadline specified in subsection (c) for one of the following reasons:~~
- (1) ~~Compliance Extension based on Early Implementation. An owner will be granted an extension based on compliance with one or more of the following early implementation schedules, provided the Executive Officer has received a letter by the applicable early compliance deadline stating the owner's intent to comply with one of the following conditions:~~
- (A) ~~If an owner has implemented best available control technology on fifty percent or more of his Group 1 total fleet of collection vehicles, at least fifty percent of which are the owner's oldest collection vehicles in Group 1, by July 1, 2005, then the owner may delay the final compliance deadline for Group 1 to December 31, 2009.~~
- (B) ~~If an owner has implemented best available control technology on fifty percent or more of his Group 2a total fleet of collection vehicles by December 31, 2005, then the owner may delay the intermediate and final compliance deadlines for Group 2a to December 31, 2010.~~
- (C) ~~If an owner has implemented best available control technology on fifty percent or more of his Group 2b total fleet of collection vehicles by December 31, 2006, then the owner may delay the intermediate and final compliance deadlines for Group 2b to December 31, 2011.~~
- (2) ~~Compliance Extension based on No Verified Diesel Emission Control Strategy. If the Executive Officer has not verified a diesel emission control strategy, or one is not commercially available, for a particular engine and vehicle combination, an annual extension in compliance may be granted by the Executive Officer under one of the conditions specified below:~~
- (A) ~~Executive Officer Compliance Extension. The Executive Officer shall grant a blanket one-year compliance extension if a diesel emission control strategy is not verified for an engine ten months prior to each compliance deadline specified in subsection (c).~~
- i. ~~For a Group 1 collection vehicle engines, the Executive Officer shall grant an annual extension through 2007, after~~

~~which the owner shall comply with subsection (b) by December 31, 2008.~~

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

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

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

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

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

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

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

~~v. A copy of the statement of compliance as required in~~

~~subsection (f)(1)(H) for all applicable collection vehicles,
and~~

- ~~vi. Submission of the application for compliance extension to the Executive Officer no later than July 31 annually beginning 2004. For a Group 1 collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2007, after which the owner shall comply with subsection (b) by December 31, 2008. For a Group 2a collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2008, after which the owner shall comply with subsection (b) by December 31, 2009. For a Groups 2b or 3 collection vehicle engine, the Executive Officer will accept an annual compliance extension application until July 31, 2010, after which the owner shall comply with subsection (b) by December 31, 2011. The Executive Officer will grant a compliance extension for only one year for an engine in Group 2a or 2b.~~
- ~~(3) Compliance Extension for an Owner with a Total Fleet of Fewer than Four Solid Waste Collection Vehicles. An owner with three or fewer collection vehicles in his total fleet may delay the intermediate compliance deadline of any engine to its applicable final compliance deadline.~~
- ~~(4) Compliance Extension for an Owner of a Dual Fuel or Bi-Fuel Engine. An owner may delay implementation of a Group 1 dual fuel or bi-fuel engine to the Group 3 compliance deadlines.~~
- ~~(5) Compliance Extension for an Engine near Retirement. If an owner has applied best available control technology to all applicable engines as required, and the next applicable engine is scheduled to be retired from the active fleet within one year of the applicable compliance deadline, then the owner is exempt from applying the best available control technology as defined in subsection (b) to that engine for a maximum of one year, provided documentation of expected retirement date is kept in records as specified in subparagraph (f) and the engine is retired as of the stated expected date.~~
- ~~(6) Use of Experimental Diesel Particulate Matter Emission Control Strategies. An owner may use an experimental diesel particulate matter emission control strategy provided by or operated by the manufacturer in no more than 20 collection vehicles, or ten percent, of his total fleet, whichever is less, for testing and evaluation purposes. The owner shall keep documentation of this use in records as specified in subsection (f). Each collection vehicle will be considered to be in compliance for the duration of the experiment, or maximum of two years. The owner must bring the collection vehicle into compliance within six months of the end of~~

~~the testing and evaluation period. No experimental diesel particulate-matter emission control strategy may be used on a collection vehicle after December 31, 2010.~~

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

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

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

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

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

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

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

- ~~(B) — Group 2a. An owner with 15 or more collection vehicles in his total fleet may not use a Level 1 diesel emission control strategy on any Group 2a engine.~~
- ~~(C) — Group 2b. An owner with fewer than 15 collection vehicles in his total fleet may use a Level 1 diesel emission control strategy in a Group 2b engine for up to ten years, after which the owner shall replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b), except that a Level 1 diesel emission control strategy cannot be installed.~~
- ~~(D) — Group 3. An owner may use a Level 1 diesel emission control strategy in a Group 3 engine for up to five years, after which the owner shall replace the Level 1 diesel emission control strategy with the best available control technology from subsection (b), except that a Level 1 diesel emission control strategy cannot be installed.~~
- ~~(f) — Record Keeping Requirement. Beginning December 31, 2004, an owner shall maintain the following records. The owner shall provide the following records to an agent or employee of the Air Resources Board upon request for all collection vehicles in his total fleet subject to compliance with this regulation.~~
 - ~~(1) — Records Accessible at Terminal. The owner shall keep the following records accessible either in hard copy format or computer records at the terminal where a collection vehicle normally resides:~~
 - ~~(A) — A list by vehicle identification number of collection vehicles identifying each vehicle type; engine manufacturer, model year, family, and series; and status as active fleet or back-up vehicle, and~~
 - ~~(B) — Correlated to each collection vehicle, the installed diesel emission control strategy, its serial number, manufacturer, model, level, installation date, and if using a Level 1 or Level 2 verified diesel emission control strategy, the reason for the choice, and~~
 - ~~(C) — Records of maintenance for each installed diesel emission control strategy, and~~
 - ~~(D) — For fuel or fuel additives used as a diesel emission control strategy, the most recent two years worth of records of purchase that demonstrate usage, and~~
 - ~~(E) — For each backup vehicle, its mileage as of January 1 of each year beginning January 1, 2005 correlated to the information in paragraph (1)(A) above, and~~

- ~~(F) For each engine for which an owner is claiming an exemption pursuant to paragraph (d)(5), the retirement date correlated to the information in paragraph (1)(A) above, and~~
- ~~(G) For each engine for which an owner is claiming an extension pursuant to paragraph (d)(6), the records of the test plan, including start and end dates of the experiment; diesel particulate matter emission control strategy manufacturer name and contact information (representative, address, and phone number); name and type of experimental diesel particulate matter emission control strategy; and targeted data to be generated by experiment, correlated to the information in paragraph (1)(A) above, and~~
- ~~(H) A statement of compliance, prepared beginning January 1, 2005, and renewed each January 1 thereafter until January 1, 2013, certifying that the owner's engines are in compliance as required, including the following:
 - ~~(i) "The solid waste collection vehicles at terminal (insert terminal identification number) are in compliance with title 13, California Code of Regulations, section 2021.2," and~~
 - ~~(ii) The owner's name, business address, business telephone; and~~
 - ~~(iii) The signature of the owner or owner's agent and date signed.~~~~
- ~~(2) Records Kept in the Solid Waste Collection Vehicle. For each collection vehicle, the owner shall keep the following information affixed to the driver's side door jamb, or another readily accessible location known by the driver of each collection vehicle, in the form of a legible and durable label:
 - ~~(A) For a collection vehicle operated under contract to a municipality, the name of the municipality or municipalities, and~~
 - ~~(B) For each installed diesel emission control strategy, label information as specified in title 13, California Code of Regulations, section 2706 (g), and the installation date, or~~
 - ~~(C) Engine model year and planned compliance date, or~~
 - ~~(D) Designation as a backup vehicle and its mileage as of January 1 of each year beginning January 1, 2005, or~~
 - ~~(E) Engine model year and retirement date for an engine for which an owner is claiming an exemption pursuant to paragraph (d)(5), or~~~~

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

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

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

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

~~NOTE: Authority cited: Sections 39600, 39601, 39666, 39667 and 43013, Health and Safety Code. Reference: Sections 39002, 39003, 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39665, 39666, 39667, 39668,~~

~~43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.~~

§ 2021.2. Compliance Requirements for Heavy Cranes.

A fleet owner with a fleet comprised of one or more heavy cranes shall comply using one or more of the following options. Regardless of the option chosen, the heavy crane fleet as a whole must remain in compliance.

(a) Heavy Crane Phase-In Schedule. Beginning July 1, 2019 and January 1 of every subsequent compliance year, a fleet owner with a fleet comprised of one or more heavy cranes as defined in section 2021(b)(16) may comply by meeting the requirements as set forth below in Table A-1 for the entire fleet of heavy cranes excluding low use vehicles as defined in section 2021(b)(18) or publicly funded vehicles during the funding contract period. The upgrade deadline for 2019 will be 60 days after the effective date, July 1, 2019, of this regulation. The owner must comply with the reporting and record keeping requirements in sections 2021.3(a) and 2021.3(b) for all heavy cranes in the fleet.

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(1) 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 upgrade requirement in Table A-1. To claim this option, fleet owners must comply with the reporting requirements in section 2021.3(a)(5) to 2021.3(a)(8) and 2021.3(a)(11) for any heavy

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crane that meets PM BACT within 30 days after the effective date,
July 1, 2019, of this regulation. If it is reported by this
deadline, this upgrade option may be transferred to a new owner when the
heavy crane is sold.

Table A-1: Upgrade Schedule for Heavy Cranes from 2019 to 2027

<u>Upgrade Deadline as of January 1</u>	<u>Percent of Heavy Cranes in the Fleet of Heavy Cranes with 2010 or Newer Model Year Engines</u>
<u>2019*</u>	<u>20%</u>
<u>2020</u>	<u>30%</u>
<u>2021</u>	<u>40%</u>
<u>2022</u>	<u>50%</u>
<u>2023</u>	<u>60%</u>
<u>2024</u>	<u>70%</u>
<u>2025</u>	<u>80%</u>
<u>2026</u>	<u>90%</u>
<u>2027</u>	<u>100%</u>
* The Upgrade Deadline for 2019 is 60 days after <u>July 1, 2019</u> .	

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(b) Exemption for Low Use Heavy Cranes

- (1) Low use heavy cranes as defined in sections 2021(b)(16) and 2021(b)(18) are exempt from the requirements of sections 2021.2(a) and 2021.2(c). The owner must comply with the reporting and record keeping requirements in sections 2021.3(a) and 2021.3(b).
- (2) Low use heavy cranes that exceed 1,000 miles in any compliance year must immediately be brought into compliance as specified in section 2021.2(a) and 2021.2(c).

(c) Heavy Crane Engine Model Year Schedule. A fleet owner with a fleet comprised of one or more heavy cranes may comply by upgrading each heavy crane in the fleet to a 2010 or newer model year engine according to the heavy crane engine model year schedule as shown in Table A-2, for the model years listed.

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Table A-2: Heavy Crane Engine Model Year Schedule

<u>Engine Model Year</u>	<u>Upgrade to 2010 or Newer Model Year Engine by January 1</u>
<u>1998^{to} 2003</u>	<u>2019*</u>
<u>2004 to 2006</u>	<u>2022</u>
<u>2007 to 2009</u>	<u>2025</u>
* The Upgrade Deadline for 2019 is 60 days after <u>July 1, 2019</u> .	

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(d) Compliance Extension for Engine Manufacturer Delays. Beginning with the 2020 compliance year, a fleet owner who has purchased a heavy crane or replacement heavy crane engine, or has entered into contractual agreement with the seller for the purchase of a heavy crane or replacement heavy crane engine, but has not received a replacement heavy crane engine or heavy crane due to manufacturing delays will be excused from immediate compliance with section 2021.2(a) or 2021.2(c) for the given heavy crane until May 1 of the compliance year as long as all the conditions below are met:

- (1) The fleet owner has purchased, or has entered into contractual agreement with the seller for the purchase, at least 4 months prior to the required compliance date.
 - (2) The fleet owner has identified the heavy crane to be replaced upon receipt of the replacement heavy crane or heavy crane engine.
 - (3) Proof of purchase. Fleet owners are required to obtain and keep a signed and dated purchase order showing a minimum 20% deposit, specifications for each replacement heavy crane engine or heavy crane, VIN or partial VIN of the replacement heavy crane, and expected date of delivery. This documentation must be maintained by the owner and provided to an agent or employee of CARB upon request.
 - (4) The new heavy crane or replacement heavy crane engine is immediately placed into operation upon receipt and any replaced vehicle is removed from service within 30 days.
- (A) Proof of the date that the new heavy crane or replacement heavy crane engine was placed into service and proof of the date that any replaced heavy crane was removed from service must be maintained by the fleet owner and provided to an agent or employee of CARB upon request.

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NOTE: Authority cited: Sections 39600, 39601, 39666 and 39667, Health and Safety Code.
Reference: Sections 39002, 39003, 39650, 39655, 39656,
39657, 39658, 39659, 39660, 39661, 39662, 39665, 39666, 39667, 39668,

43000, 43013, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

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§ 2021.3. Reporting and Record Keeping Requirements.

(a) Reporting Requirements

(1) Reporting Applicability

- (A) A fleet owner that operates a fleet of one or more solid waste collection vehicles as defined in section 2021(b)(25) or low use collection

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vehicles as defined in section 2021(b)(18) must submit to the Executive Officer applicable reporting information as specified in section 2021.3(a) for all diesel-fueled solid waste collection vehicles with engine model years 1960 to 2006. Vehicles awaiting sale as defined in section 2021(b)(10) do not need to be reported.

(B) A fleet owner that operates a fleet of one or more heavy cranes subject to the requirements of section 2021(b)(16) or low use cranes as defined in section 2021(b)(18) must submit to the Executive Officer reporting information as specified in sections 2021.3(a)(3) to 2021.3(a)(12) until all heavy cranes in the fleet have 2010 or newer model year engines. Vehicles awaiting sale as defined in section 2021(b)(10) do not need to be reported.

(2) Reporting Deadline. Beginning with the 2020 compliance year, fleet owners subject to reporting under this subsection must submit the information specified in sections 2021.3(a)(3) to 2021.3(a)(12) by January 31 of each year for their fleet as it was comprised as of January 1 of that respective year. For example, by January 31, 2020, a fleet owner shall submit the information specified in section 2021.3(a) for their fleet as it was comprised on January 1, 2020.

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(A) For the 2019 compliance year, the reporting deadline for 2019 will be 30 days after the effective date, July 1, 2019, of this regulation. Fleet owners subject to reporting under this subsection must submit the information specified in sections 2021.3(a)(3) to 2021.3(a)(12) for their fleet as it was comprised 30 days after the effective date, July 1, 2019, of this regulation. If the fleet owner must report low use vehicles under section 2021.3(a)(9), the fleet owner shall report the odometer or hubodometer reading taken 30 days after the effective date, July 1, 2019, of this regulation.

(B) Changes to an existing fleet during the compliance year must be reported pursuant to section 2021.3(a)(12).

(3) New Fleet Reporting. A fleet owner that purchases or otherwise acquires one or more new or used heavy cranes or solid waste collection vehicles must submit to the Executive Officer reporting information as specified in sections 2021.3(a)(5) to 2021.3(a)(12) within 30 days of the date of purchase or acquisition and subsequently must comply with the annual reporting deadlines in section 2021.3(a)(2).

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(4) Fleet owners must submit reporting information as specified in sections 2021.3(a)(3) to 2021.3(a)(12) by mail, online through the Truck Regulation Upload, Compliance and Reporting System.

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- (5) Owner Contact Information. For each fleet subject to reporting, the fleet owner must provide to the Executive Officer the following information:
- (A) Fleet owner's name;
 - (B) Name of company or agency;
 - (C) Motor carrier identification number;
 - (D) Corporate parent name (if applicable);
 - (E) Company taxpayer identification number;
 - (F) Street, mailing, and records storage address (if applicable);
 - (G) Name of responsible person;
 - (H) Title of responsible person;
 - (I) Contact name;
 - (J) Contact telephone number; and
 - (K) Contact email address (if available).
- (6) Vehicle Information. For each vehicle subject to reporting, the fleet owner must provide to the Executive Officer the following information:
- (A) Vehicle identification number;
 - (B) Vehicle manufacturer;
 - (C) Vehicle model;
 - (D) Gross vehicle weight rating;
 - (E) Vehicle model year;
 - (F) Vehicle body type;
 - (G) Date vehicle was purchased;
 - (H) License plate number;
 - (I) The state, province, or country where the vehicle is or was registered and type of registration plate; and

- (J) Date that a vehicle was retired, sold, transferred out of State, or junked.
- (7) Engine Information Reporting. For each engine that propels a vehicle reported per section 2021.3(a)(6), the fleet owner must provide to the Executive Officer the following information:
- (A) Engine manufacturer;
 - (B) Engine model;
 - (C) Engine family for all 1974 model year and newer engines;
 - (D) Fuel type;
 - (E) Engine model year;
 - (F) Whether the engine has an OEM particulate matter filter; and
 - (G) Whether the engine or vehicle was partially paid for with public funds, and if so, the funding contract dates.
- (8) Verified Diesel Emission Control Strategies (VDECS) Reporting. For each VDECS that is installed on an engine, the fleet owner must provide to the Executive Officer the following information:
- (A) Owner, vehicle, and engine information identified in section 2021.3(a)(5)-(7);
 - (B) Date of installation;
 - (C) Name of authorized installer;
 - (D) City and State of installer;
 - (E) VDECS family name;
 - (F) VDECS manufacturer;
 - (G) Serial number, or experimental part number, or aftermarket part number; and
 - (H) Whether the VDECS was partially paid for with public funds, and if so, the funding contract dates.
- (9) Low Use Vehicle Reporting. For vehicles that are designated as low use vehicles, the fleet owner must report the following information to the Executive Officer annually for as long as the fleet owns or operates the

vehicles as low use:

- (A) Owner, vehicle, and engine information identified in section 2021.3 (a)(5)-(7);
- (B) Mileage readings from a properly functioning odometer or hubodometer taken on January 1 of the compliance year. A hubodometer may be used in lieu of the odometer;
- (C) In the event that the odometer or hubodometer is removed or replaced, the original instrument reading, the date the original instrument is removed, and the date the replacement instrument is placed in service, must be reported to the Executive Officer via Truck Regulation Upload, Compliance and Reporting System or mail, within 30 days of the original instrument removal or replacement. If hubodometers are used, the fleet owner also must report the serial numbers; and
- (D) Whether the vehicle is used as an emergency support vehicle as defined in section 2021(b)(8); and, if so, the fleet owner must report the miles travelled while operating as an emergency support vehicle as defined in section 2021(b)(7).

- (10) Claiming Compliance Extension for Manufacturer Delays. If the fleet owner chooses to claim a compliance extension for engine manufacturer delays, the fleet owner must report via the Truck Regulation Upload, Compliance and Reporting System, the following information to the Executive Officer no earlier than January 1, and no later than January 31, of each year that an extension is sought for a vehicle owned or operated in the prior compliance year.

- (A) Owner, vehicle, and engine information identified in section 2021.3 (a)(5)-(7); and
- (B) The date of purchase or the date the contractual agreement for purchase of replacement engine or vehicle was entered into dating no later than September 1 of the previous compliance year.

- (11) Compliance Certification. All reports submitted to CARB must be signed by a responsible official or a designee or attested to online, certifying under penalty of perjury under the laws of the State of California that the information reported has been prepared in accordance with the reporting requirements in section 2021.3(a), and that the information submitted is true, accurate, and complete. The designee must also certify that they are aware there are significant penalties for submitting false statements and information or omitting required statements and information.

- (12) Changes to an Existing Fleet

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- (A) Newly purchased vehicles added to an existing fleet must be reported to the Executive Officer via the Truck Regulation Upload, Compliance and Reporting System or mail, pursuant to sections 2021.3(a)(6) through 2021.3 (a)(11) within 30 days of purchase.
- (B) Vehicles sold from an existing fleet must be reported to the Executive Officer via the Truck Regulation Upload, Compliance and Reporting System or mail, within 30 days of the sale. The report must include the date of sale and the mileage reading at the time of sale.
- (C) A fleet owner may not add or remove vehicles that cause the fleet to fall out of compliance.

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(b) Record Keeping Requirements

- (1) The owner of a fleet shall maintain the records specified in this section regardless of whether the fleet is based in California. The owner shall provide these records to an agent or employee of CARB within five business days upon request.
- (2) The owner of a fleet subject to the reporting requirements of section 2021.3(a) shall maintain copies of the information reported, as well as the records described in sections 2021.3(b).
- (3) The fleet owner must notify the Executive Officer in writing by the first applicable reporting date and during the month of January of every subsequent compliance year, if applicable, with the name of the responsible official and the location where the records will be kept, and whether any information has changed since the last reporting date. The owner of a fleet shall maintain the records specified in this section regardless of whether the fleet is based in California.
- (4) Motor Carrier or Broker
 - (A) The fleet owner shall maintain 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, company or owner name, United States Department of Transportation or California Motor Carrier Permit number, license plate number, and the state of registration.
- (5) Retired Vehicles. The fleet owner shall maintain ^{the} following records. All records must include the VIN, the company or owners name, and the disclosure agreement as specified in section 2021(c)(9).

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- (A) Transfer of Liability form filed with DMV, including the date of sale and mileage reading at the time of sale;
- (B) If the vehicle is transferred out of state, a copy of the out of state registration;
- (C) If the vehicle is junked, a copy of the registration demonstrating it was filed as such with DMV;
- (D) If the vehicle is sold to an auction house, a copy of the contract.
- (6) For newly purchased vehicles, the fleet owner must keep a copy of the original purchase order including the date of purchase and the VIN purchased.
- (7) For any fleet owner utilizing the low use vehicle option in section 2021.1(b) or 2021.2(b), the fleet owner must maintain third party records of the miles travelled such as

Periodic Smoke Inspection Program (PSIP) test results, Biennial Inspection of Terminals (BIT) inspection records, fuel tax records and third party maintenance records.

- (A) Fleet owners of emergency support vehicles utilizing the provisions of section 2021(b)(7) shall keep records to document dispatch by a local, state, or federal agency or other responsible emergency management entity as approved by the Executive Officer. Additionally, fleet owners of emergency support vehicles must keep records of any contracts with a company or agency that was dispatched by a public agency.
- (8) Manufacturer Delay. For any vehicle for which the fleet owner is utilizing the engine manufacturer delay provision in section 2021.2(d), the fleet owner must maintain the following records:
- (A) Proof that the fleet owner has purchased, or has entered into contractual agreement with the seller for the purchase, at least 4 months prior to the required compliance date;
- (B) Proof of purchase in the form of a signed and dated purchase order showing a deposit, the VIN or partial VIN of the replacement vehicle, expected date of delivery, and a description of the vehicle; and
- (C) Proof that the replacement engine or vehicle was removed from service within 30 days of receiving the compliant vehicle.

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- (9) Proof of Operation. Owners of fleets must keep records showing that any vehicle using the compliance options of section 2021.1(b)(1) or 2021.2(b)(1) was operated for that applicable compliance year. Records include but are not limited to PSIP test results, BIT inspection records, and third party maintenance records.
- (10) VDECS Records. For each engine requiring a VDECS to comply with the regulation, the fleet owner shall keep the following documentation at the records location specified in subsection (a)(5)(F) and provide it upon request to an agent or employee of CARB:
- (A) VDECS Installation: Maintain records of any VDECS installation including:
1. A statement signed by the installer at the time of installation of the VDECS affirming that the installation was performed by an installer authorized by the VDECS manufacturer;
 2. The name of the company installing the device;
 3. Location of the company installing the device;
 4. The date the device was installed;
 5. The VDECS manufacturer;
 6. VDECS family name;
 7. Serial number of installed VDECS; and
 8. VIN of the vehicle on which the VDECS was installed.
- (B) VDECS Failure: Maintain records of any VDECS failure and replacement including:
1. Date of failure;
 2. Description of failure;
 3. Description of resolution of failure;
 4. Date of resolution of failure;
 5. Past VDECS maintenance records; and
 6. Past engine maintenance records.

- (c) Audit of Records. The fleet owner must make records available to CARB upon 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, CARB may assess penalties for non-compliance. Submitting false information to CARB is a violation of this regulation and violators will be subject to penalty. Penalties will be assessed pursuant to sections 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, and 43016 of the Health and Safety Code. In assessing penalties, the Executive Officer will consider factors, including but not limited to the willfulness of the violation, the length of time of noncompliance, whether the fleet made an attempt to comply, and the magnitude of noncompliance.

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NOTE: Authority cited: Sections 39600, 39601, 39666, 39667 and 43013, Health and Safety Code. Reference: Sections 39002, 39003, 39650, 39655, 39656, 39657, 39658, 39659, 39660, 39661, 39662, 39665, 39666, 39667, 39668, 39674, 39675, 42400, 42400.1, 42400.2, 42402.2, 43000, 43013, 43016, 43018, 43101, 43102, 43104, 43105 and 43700, Health and Safety Code.

