



Regulatory Advisory



SEPTEMBER 2013

Mail-Out #MSCD 13-25

ENFORCEMENT OF THE IN-USE OFF-ROAD VEHICLE REGULATION

On September 13, 2013, the U.S. Environmental Protection Agency (U.S. EPA) granted authorization to the California Air Resources Board (ARB or Board) to enforce all provisions of the In-Use Off-Road Diesel Vehicle Regulation (Off-Road Regulation). The Off-Road Regulation was originally approved by the Board in May 2007, and amended in January 2009, July 2009, and December 2010.

ARB has been enforcing the reporting, labeling, sales disclosure, and idle limitation requirements, and this advisory informs owners and operators of off-road vehicles operating in California as to how ARB staff will proceed with enforcement of the adding vehicles and emission performance requirements. In order to provide fleets adequate time to ensure compliance, ARB will phase in enforcement of various elements of the rule beginning January 1, 2014, as described below.

Adding Vehicles Requirements

ARB will begin to enforce the off-road regulation's restrictions on fleets adding vehicles with older tier engines on January 1, 2014.

As described in Section 2449(d)(6) of the Off-Road Regulation, fleets are prohibited from adding older tier vehicles as follows:

- **Tier 0s** – As soon as enforcement commences, a fleet may not add a vehicle with a Tier 0 engine to its fleet.
- **Tier 1s for Large and Medium Fleets (fleets with over 2,500 hp)** – As soon as enforcement commences, a large or medium fleet may not add a vehicle with a Tier 1 engine to its fleet. The engine tier must be Tier 2 or higher.
- **Tier 1s for Small Fleets (fleets with up to 2,500 hp)** – As soon as enforcement commences, a small fleet may add a vehicle with a Tier 1 engine if and only if the vehicle either had an equipment identification number (EIN) assigned by ARB to the vehicle prior to January 1, 2012 or entered the State of California for the first time after January 1, 2012. Effective January 1, 2016, a small fleet may not add any vehicle with a Tier 1 engine. The engine tier must be Tier 2 or higher.
- **Tier 2s** – Beginning January 1, 2018, for large and medium fleets, and January 1, 2023, for small fleets, a fleet may not add a vehicle with a Tier 2 engine to its fleet. The engine tier must be Tier 3 or higher.

The chart below shows the minimum tier engine that may be added by a fleet beginning January 1 of a given calendar year. For example, if a medium or large fleet wanted to purchase a vehicle on January 1, 2015, the vehicle's engine would have to be a Tier 2 or cleaner engine. Fleets are allowed to continue operating lower Tier vehicles that they already own, but must comply with the adding vehicle requirements when considering purchases of new or used vehicles.

Adding Vehicle Requirements by Fleet Size and Calendar Year
(applicable January 1 of each calendar year)

Fleet Size	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Medium/Large	T1*	T2					T3					
Small	T1			T2						T3		

* Registered Tier 1 engines are those that had an equipment identification number (EIN) assigned to the vehicle by ARB prior to January 1, 2012, and can only be added to a fleet if both the fleet selling and the fleet purchasing the vehicle reported to ARB by January 1, 2012, or had entered the State of California for the first time after January 1, 2012.

Emissions Performance Requirements

ARB will begin to enforce the emissions performance requirements for large fleets on July 1, 2014 and then annually each January 1 thereafter. The emission performance and compliance dates for medium and small fleets will be enforced upon their effective dates as shown below:

- January 1, 2017, for medium fleets; and
- January 1, 2019, for small fleets.

The emission performance requirements continue annually until 2023 for large and medium fleets and 2028 for small fleets. To meet annual emissions performance requirements, fleets must either (1) meet the fleet-average emissions targets, or (2) meet the Best Available Control Technology (BACT) requirements. In general, if a fleet does not meet the fleet-average emissions targets, then it must apply BACT each year on a certain portion of its fleet until it does meet those targets. In order to meet BACT requirements, fleets can either: (1) turn over to newer, cleaner engines or vehicles, or (2) install ARB-verified exhaust retrofits. "Turn over" means retiring (selling) a vehicle, designating a vehicle as a permanent low-use vehicle, repowering a vehicle with a higher tier engine, or rebuilding the engine to a more stringent emissions configuration. A list of ARB-verified exhaust retrofits for off-road vehicles is available at <http://www.arb.ca.gov/msprog/ordiesel/vdecs.htm>.

Penalties

Fleets that fail to comply with the Off-Road Regulation will be subject to enforcement action, including potential fines. Health and Safety Code, Sections 39674 (a) and (b) authorize civil penalties for the violation of the programs for the regulation of toxic air contaminants.

For More Information

For information regarding this advisory or technical questions concerning the regulation, please visit the Knowledge Center for the Off-Road Diesel Vehicle Regulation at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm> or contact the DOORS hotline at (877) 59-DOORS [(877) 593-6677] or via email atdoors@arb.ca.gov. For general questions about diesel regulations, you may contact the Diesel hotline at (866) 6-DIESEL [(866) 634-3735].