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Air Resources Board

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Arnold Schwarzenegger
Governor

November 25, 2008

Mail-Out # MSC 08-34

TO: All Interested Parties

SUBJECT: WORKSHOP TO DISCUSS PROPOSED MODIFICATIONS TO THE
REGULATION FOR IN-USE OFF-ROAD DIESEL-FUELED FLEETS

The staff of the Air Resources Board (ARB or Board) invites all interested parties to a public workshop to discuss minor modifications and clarifications to California's Regulation for In-Use Off-Road Diesel-Fueled Fleets (title 13, California Code of Regulations (CCR), sections 2449, 2449.1, 2449.2 and 2449.3). These modifications include, among other things, an extension of the early double credit deadline for the installation of verified diesel emission control strategies (VDECS).

The workshop will be held at the following location:

Sacramento

Date: December 19, 2008
Time: 9:00 a.m. – 1:00 p.m.
Location: California Environmental Protection Agency,
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

www.arb.ca.gov/maps/sactomap.htm

For those unable to attend in person, a live internet broadcast (webcast) of each meeting will be available. An email address will also be available to submit questions or comments during the webcast. The webcast can be accessed on the day of the workshop at: <http://www.calepa.ca.gov/broadcast/?BDO=1>.

The proposed modifications will be considered by the Board at a hearing that will begin on January 22, 2009, in Sacramento, California. The public may present comments relating to the proposed modifications orally or in writing at the hearing, and in writing or by e-mail before the hearing. However, comments submitted at the

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

December 19, 2008, workshop will not be a part of the formal public record for the proposed modifications to the regulation. For those that wish to submit comments to be included in the formal public record for this rulemaking, comments must be submitted as described in the Notice of Public Hearing to Consider Proposed Amendments to the Regulation for In-Use Off-Road Diesel Fueled Fleets, which will be available at <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. The docket for online comment submittals will be available at <http://www.arb.ca.gov/lispub/comm/bclist.php>.

Background

The Regulation for In-Use Off-Road Diesel-Fueled Fleets (In-Use Off-Road Diesel Vehicle Regulation, or the regulation) was approved by the Board on July 26, 2007, and became effective on June 15, 2008. The regulation will reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) from existing off-road diesel-fueled vehicles. A copy of the regulation may be obtained from the Air Resources Board (ARB) website at <http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf>.

Any person, business, or government agency that owns or operates diesel-powered off-road vehicles in California (except for agricultural or personal use, or for use at ports or intermodal railyards) with engines with maximum power of 25 horsepower (hp) or greater is subject to the regulation. The regulation applies to vehicles commonly used in construction, mining, rental, airport ground support and other industries. Out-of-state companies doing business in California are also subject to the regulation.

The regulation applies to self-propelled diesel-fueled vehicles that cannot be registered and licensed to drive on-road. Examples include loaders, crawler tractors, skid steers, backhoes, forklifts, and airport ground support equipment. The regulation does not apply to stationary equipment or portable equipment such as generators.

The regulation requires fleets to apply exhaust retrofits that capture pollutants before they are emitted to the air, and to accelerate turnover of fleets to newer, cleaner engines. The regulation requires annual reporting of fleet data to ARB beginning April 1, 2009. The regulation also requires vehicle owners to limit unnecessary idling and to disclose applicability of the regulation when they sell affected vehicles. As of June 15, 2008, the idling and seller disclosure requirements of the regulation became effective. The regulation's reporting requirements take effect in spring of 2009.

Proposed Modifications

Staff proposes to amend section 2449.2(a)(2)(A)2.a.i. to extend the deadline for double retrofit credit for fleets that have installed the highest level VDECS by 10 months from March 1, 2009 to January 1, 2010. The change would also provide double credits for VDECS ordered by September 1, 2009 even if manufacturer or installer delays cause their installation to be delayed beyond January 1, 2010. Staff recommends this extension because exhaust retrofits have become verified slower than anticipated since the July 2007 Board Hearing, leaving many fleets unable to take full advantage of the early credit provisions. The ability of fleets to take advantage of the double retrofit credit provision was important during the Board's consideration and approval of the regulation, as it provides an important mechanism for fleets to use to reduce their costs during the initial years of the regulation. The change would provide additional time for manufacturers of diesel emission control strategies to submit and verify new off-road retrofit applications, as well as additional fleets to purchase and install VDECS that have been recently verified.

Additionally, staff is proposing some minor changes to the regulatory language as follows; amend 2449(d)(4)(A) to remove the provision that requires a small fleet that becomes a medium or large fleet, and then subsequently becomes a small fleet again, to continue meeting the medium or large fleet requirements for the next two reporting years after returning to small fleet status; amend 2449(h)(8) to clarify that the section applies to both sellers and dealers of off-road vehicles, and that both sellers and dealers must maintain records of the disclosure of regulation applicability; amend 2449.1(a)(2)(A)5 to clarify the turnover exemption for Tier 1 or higher engines; amend 2449(g)(1)(D) to require reporting of the VDECS family name and serial number, rather than the VDECS model.

The proposed modifications to the regulatory language, workshop presentation, and any other additional material for the workshops will be posted to our email listserve and available prior to the workshop on ARB's webpage for the regulation, <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm>. The instructions on how to add your email address to the listserve are available on this webpage.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette or computer disk. For assistance, please contact ARB's Reasonable Accommodation/Disability Coordinator at (916) 323-4916 by voice, or through the California Relay Services at 711 to place your request for disability services, or go to <http://www.arb.ca.gov/html/ada/ada.htm>.

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If you are a person with limited English and would like to request interpreter services to be available at the meeting, please contact ARB's Bilingual Manager at (916) 323-7053, or go to <http://www.arb.ca.gov/as/eeo/languageaccess.htm>.

For further information about this workshop, please contact Ms. Elizabeth Yura, Air Resources Engineer at (916) 323-2397 or by e-mail at eyura@arb.ca.gov, or Ms. Kim Heroy-Rogalski, Manager, at (916) 327-2200 or by email at kheroyro@arb.ca.gov.

Sincerely,

/s/

Robert Cross, Chief
Mobile Source Control Division

cc: Erik White, Chief
Heavy-Duty Diesel In-Use Strategies Branch

Ms. Kim Heroy-Rogalski, Manager
Off-Road Implementation Section

Ms. Elizabeth Yura, Staff
Off-Road Implementation Section