Air Resources Board

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Matthew Rodriquez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

DATE October 22, 2012 Mail-Out# MSC 12-22

TO: All Interested Parties

SUBJECT: ADMINISTRATIVE ALLOWANCE REGARDING CONTRACTED USAGE RATES FOR OFF-ROAD

Per the 2011 Guidelines Chapter 3, Section DD.2.(E), contracts that specify usage as a requirement should achieve an average of at least 70 percent of that rate employed in the cost-effectiveness calculation. In April 2012, the California Air Pollution Control Officers Association (CAPCOA) provided data from 2008, 2009, and 2010 showing a significant decline in expected usage in monitored off-road equipment due to the economic recession. Because of the widespread nature of the usage decline, CAPCOA requested that Air Resources Board develop a strategy for addressing contracts in these circumstances.

As of October 22, 2012, an Air Pollution Control Officer or designee may exercise discretion in enforcing the contracted usage rates for off-road equipment experiencing a decline in expected usage. This discretion applies to equipment with usage requirements covering at least six months of calendar years 2008, 2009 or 2010.
For such off-road projects, a district noting usage lower than the contract-specified rate may choose not to enforce this contract requirement for any length of time up to the entire life of the contract. The district should continue to monitor and record annual usage data using its regular project monitoring practices for the duration of the contract.

If you have any questions or need further clarification, please contact Jennifer Kozumplik, Air Pollution Specialist, at (626) 459-4495 or via email at jkozumpl@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, M.S.M.E., P.E.
Chief, Mobile Source Control Division

cc: Jennifer Kozumplik
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