

FACTS ABOUT

Off-Road Diesel Vehicle Regulation Compliance Requirements Summary

On July 26, 2007, the California Air Resources Board (ARB) approved and subsequently adopted a regulation to reduce diesel particulate matter (PM) and oxides of nitrogen (NOx) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. At its December 2010 hearing, the Board considered and made findings on the need for amendments to the regulation.¹ This fact sheet describes the December 2010 amendments. For general information about the regulation, see the off-road regulation knowledge center at <http://www.arb.ca.gov/msprog/ordiesel/knowcenter.htm>.

Who must comply with the off-road regulation?

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 are 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.

What types of vehicles are subject to the off-road regulation?

The regulation applies to self-propelled diesel-fueled vehicles that cannot be registered and licensed to drive on-road, as well as two-engine vehicles that drive on-road, with the limited exception of two-engine sweepers. Examples include loaders, crawler tractors, skid steers, backhoes, forklifts, airport ground support equipment, water well drilling rigs, and two-engine cranes. The regulation does not apply to stationary equipment or portable equipment such as generators.

What changes to the off-road regulation do the December 2010 amendments include?

- A four year delay from the original timeline for all fleets, making the first compliance deadline January 1, 2014, for large fleets (over 5,000 hp), January 1, 2017, for medium fleets (2,501-5,000 hp), and January 1, 2019, for small fleets (2,500 hp or less).
- A dramatic reduction and simplification in the annual requirements for fleets, and fleet average structure. Fleets now have only one fleet average target to meet based on their NOx emissions; if they cannot meet the fleet average target, they are required to clean up 5 to 10 percent of their horsepower annually, as opposed to the previous requirement of 28 to 30 percent.
- Making exhaust retrofits no longer mandatory.
- Raising the low use threshold to 200 hours per year instead of 100 hours.
- Overall, staff estimates that these amendments reduce the compliance costs by more than 95 percent during the first five years and more than 70 percent during the entire span of the regulation, compared to the regulation before the amendments.

What do I need to do now?

The off-road regulation as initially adopted requires reporting and labeling, limits unnecessary idling, and requires disclosure of the regulation upon vehicle sale. These requirements are not affected by the December 2010 amendments, and enforcement actions for these requirements are ongoing, with fines of up to \$10,000 per day possible for each vehicle that is in violation.

If a fleet has not done so already, it should report all applicable vehicles to ARB as soon as possible and label its vehicles appropriately. Fleets should also comply with the five-minute idling limit and maintain a

¹ The Board delegated to the ARB Executive Officer responsibility to complete the regulatory process and make a final determination on whether the amendments should be adopted.

written idling policy as required. When selling an affected vehicle, the seller should notify the vehicle buyer of the regulation.

Although the December 2010 amendments include a significant delay of the regulation's first compliance dates, planning now could reduce or spread out future compliance costs. Fleets could earn credit for taking early actions to reduce emissions, such as repowering or replacing their older, dirtier vehicles, and installing exhaust retrofits.

What reporting and labeling does the regulation require?

The regulation required fleets to initially report all applicable vehicles to ARB in 2009. After reporting, fleets had to label their vehicles with the Equipment Identification Numbers (EINs) assigned by ARB.

After the initial reporting and labeling, fleets must report any additions to their fleet or retirements from their fleet within 30 days. Fleets must also submit annual guarantees that they are in compliance on March 1. Large fleets must submit such affirmations each year through 2023, medium fleets each year from 2016-2023, and small fleets each year from 2018-2028.

For more information on reporting, please call 1-877-59DOORS (1-877-593-6677).

What limits does the regulation place on idling?

Vehicles subject to this regulation may not idle for more than five consecutive minutes. However, the idling limit does not apply to necessary idling such as idling to verify that a vehicle is in safe operating condition, for testing, serving, repairing, or diagnostic purposes, or to accomplish work for which the vehicle was designed. Medium and large fleets are also required to have a written idling policy made available to the operators of the vehicles that informs them of this five-minute idling limit.

What are the off-road regulation's performance requirements and when do they take effect?

The off-road regulation's performance requirements are based on a fleet's average NOx emissions. If a fleet cannot meet the NOx fleet average target, it must comply with the regulation's Best Available Control Technology (BACT) requirements by cleaning up 5 to 10 percent of its fleet each year it cannot meet the target. A fleet may satisfy the BACT requirements either by turnover or applying exhaust retrofits.

Under the December 2010 amendments, the performance requirements would take effect on January 1, 2014, for large fleets, January 1, 2017, for medium fleets, and January 1, 2019, for small fleets. The performance requirements continue every year through January 1, 2023, for large and medium fleets and January 1, 2028, for small fleets.

Does the off-road regulation require installing exhaust retrofits?

No, under the December 2010 amendments, fleets will be able to comply with the performance requirements of the off-road regulation solely through turning over or repowering their vehicles. However, retrofitting may be your lowest cost compliance option. Applying exhaust retrofits can help fleets meet the fleet average targets and comply with the annual BACT requirements. Retrofits installed early can earn double credit and exempt a vehicle from further actions for the life of the regulation.

Am I exempt from the regulation if I only have one or two off-road vehicles?

No, but a new compliance option will make it easier to comply. Fleets with 500 horsepower or less will be able to comply by simply phasing out their oldest, dirtiest vehicles starting in 2019.

Where can I find more information about the off-road regulation?

Additional information and other fact sheets are available at: www.arb.ca.gov/ordiesel or by calling ARB's diesel hotline at (866) 6DIESEL (866-634-3735).