

11-7-5
Stephen Clark



Matthew Rodriguez
Secretary for
Environmental Protection

Air Resources Board

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov



Edmund G. Brown Jr.
Governor

September 17, 2011

Reference No. 11-661-997

Mr. Gale Plummer
Cleaire Advanced Emission Controls
14775 Wicks Boulevard
San Leandro, California 94577

Re: Suspension of Sales of and Remedial Actions for Cleaire LongMile and Allmetal Systems

Dear Mr. Plummer:

Using the *Verification Procedure, Warranty and In-Use Compliance Requirements for In-Use Strategies to Control Emissions from Diesel Engines* ("Procedure," title 13, California Code of Regulations (CCR), sections 2700-2711), the Air Resources Board (ARB) verified the Cleaire LongMile and Cleaire Allmetal diesel emission control strategies ("the systems") for use with on-road and off-road diesel engines on October 18, 2010, and December 21, 2009, respectively. However, because subsequent field experience indicates that these systems do not comply with the conditions and requirements in the applicable Executive Order series DE-10-004, conditional verification letters 09-661-358 and 10-661-719, and the Procedure, and because they may experience a catastrophic failure mode that was previously unknown, creating concerns about the safe deployment of these systems, the Executive Officer of the ARB has directed Cleaire (and Cleaire has agreed) to suspend sales of these systems and undertake the remedial actions as specified below.

Specifically, Cleaire shall:

1. Immediately suspend sales and installations of the LongMile and AllMetal systems until this suspension is rescinded by the Executive Officer.
2. Immediately recall and remove from service all LongMile filters installed on exhaust gas recirculation-equipped (EGR-equipped) Cummins ISX engines.
3. Immediately recall and remove from service all LongMile filters installed on buses, and all AllMetal filters installed on off-road equipment.

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

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4. Immediately begin an inspection of all other EGR-equipped engines using LongMile filters, and submit a plan to remedy and prevent release of material in all failure modes on vehicles with these engines and systems no later than September 30, 2011.
5. Submit a plan to remedy and prevent release of material in all failure modes on all other vehicles equipped with LongMile or AllMetal systems, no later than October 7, 2011.
6. Provide all owners and operators of vehicles equipped with LongMile or AllMetal systems instructions for the appropriate action to take if a system warning light is illuminated, no later than October 7, 2011. This notification shall be approved in advance by ARB and sent by certified mail.
7. Report to ARB any instances of failure resulting in release of material from either system within 2 days of being informed of the incident.

ARB staff will expeditiously evaluate Cleaire's remedial action plan for addressing the failure mode of the LongMile and Allmetal systems. Please be advised that any new design will be considered a new system by ARB and must meet all of the provisions of the Procedure. If it becomes verified in the future, its Executive Order and diesel emission control strategy family name will be distinct from those associated with the current systems. ARB staff is available to assist in expediting Cleaire's response to this letter.

Under this suspension, which is effective September 16, 2011 until rescinded by the Executive Officer, the LongMile and Allmetal systems may not be sold, installed, leased or offered for sale as verified systems. Nevertheless, please be aware that Cleaire is still responsible for addressing any warranty claims on products already sold as well as reporting and in-use compliance requirements as described in the Procedure.

ARB staff also recognizes that many fleets have installed or ordered LongMile or AllMetal systems to comply or earn credits with ARB in-use fleet regulations. Under the terms of this letter, such fleets will be deemed in compliance with such regulations and will retain any credits they may have accrued by such actions while the terms of this letter are being met by Cleaire. ARB staff will issue a regulatory advisory to affected fleets to clarify this determination.

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Thank you for participating in ARB's Diesel Emission Control Strategy Verification program. Should you have any questions or comments regarding this decision, please contact Mr. Erik White at (916) 322-1017, or by email at ewhite@arb.ca.gov.

Sincerely,

/s/

Robert H. Cross, Chief
Mobile Source Control Division

cc: Erik White, Assistant Chief
Mobile Source Control Division