



# Regulatory Advisory

March 2012



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## **AIR RESOURCES BOARD RECEIVED FINAL APPROVAL TO EXTEND THE REPORTING AND FIRST YEAR COMPLIANCE DEADLINES FOR THE OPTION 2 LARGE FLEET COMPLIANCE PLAN OF THE TRACTOR-TRAILER GREENHOUSE GAS REGULATION**

This advisory is to notify stakeholders that the Office of Administrative Law (OAL) has approved emergency regulations submitted by the Air Resources Board (ARB or Board) to extend the registration and first year compliance deadlines for Option 2 of the Large Fleet Compliance Plan of the Tractor-Trailer Greenhouse Gas (GHG) Regulation to June 1, 2012. OAL approval means that the regulations are now in effect. The Option 2 Large Fleet Compliance Plan allows trailer fleet owners to gradually meet the regulatory requirements over five years, beginning in 2011 and ending in 2015. This extension provides fleets that have not already registered for the 5 year compliance option the opportunity to do so.

### **Regulation Background**

On December 12, 2008, ARB approved for adoption the Tractor-Trailer Greenhouse Gas Regulation, or "regulation", (title 17 California Code of Regulations sections 95300-95312) to reduce GHG emissions from long-haul tractor-trailer combination vehicles operating in California. The regulation applies to 53-foot or longer dry-van and refrigerated-van trailers (box-type trailers) and the tractors that pull them on California highways. The regulation requires tractor-trailers operating in California to utilize tractors and box-type trailers that are either SmartWay certified or retrofitted with SmartWay verified aerodynamic devices (typically skirts for the trailer and fairings for the tractor) and low rolling resistance tires that meet specified fuel efficiency improvements.

Originally, the regulation provided owners of large fleets (fleets consisting of 21 or more box-type trailers) with the following compliance options:

- Bring all of their pre-2011 model year trailers into compliance with the requirements of the regulation by January 1, 2013, or
- Phase-in compliance over a six year period (2010 through 2015) under the condition that they first register their trailers with ARB by July 1, 2010 (Option 1 of the Large Fleet Compliance Plan schedule).

In December 2010, the Board approved amendments to the regulation that included the creation of a second Large Fleet Compliance Plan option, Option 2, with a registration deadline of July 1, 2011. Option 2 allows large fleets that missed the July 1, 2010 Option 1 registration deadline to phase-in compliance over a five-year period, from 2011 through 2015. To provide more time for affected fleets to register, ARB staff

subsequently extended the registration deadline for Option 2 to August 1, 2011 (See Advisory Number 429).

Although the regulatory amendments that established Option 2 were approved by the Board on December 17, 2010, the final rulemaking package was not filed with OAL in time to finalize the regulatory amendments before the July 1, 2011, registration deadline (or the subsequent extension to August 1, 2011). Since the registration deadline occurred before the amendments were formally approved by OAL, those fleet owners waiting for final OAL approval of the amendments were left with only one compliance option - retrofitting their entire trailer fleet by January 1, 2013. ARB has received comments that a number of large fleets desired to utilize Option 2 but were nonetheless unwilling to register their trailer fleet until the amendments were formally approved by OAL.

For those large fleet owners that were interested in Option 2 but waited for OAL approval, the logistics associated with retrofitting thousands of trailers by January 1, 2013, poses potential trailer deployment issues. While this impact will not affect every trailer subject to the regulation, it may however reduce the number of trailers available to service the transportation needs of California businesses and consumers. As a result, on February 22, 2012, ARB submitted emergency regulation documents to OAL, and received final approval on March 12, 2012, to formally extend the Option 2 registration and first year reporting deadlines to June 1, 2012.

### **More Information**

For further information about the regulation, training, outreach efforts, compliance tools or the full text of the Tractor-Trailer GHG Regulation, please visit <http://www.arb.ca.gov/cc/hdghg/hdghg.htm> or call 866 6DIESEL (866 634-3735), or email us at [8666diesel@arb.ca.gov](mailto:8666diesel@arb.ca.gov).

If you have questions about this advisory, please contact Mr. Alex Santos, Staff Air Pollution Specialist, at (626) 575-6682, or at [asantos@arb.ca.gov](mailto:asantos@arb.ca.gov).